



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held at 6.00 pm on

Monday 27 May 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 6/05/2019
- 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

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MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 6 May 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, J Dorahy, 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, Chief Financial Officer – B Jenkins, Manager Property and Recreation (Acting) – L Power, Manager City Strategy – C Stewart, Manager City Works – M Roebuck, Manager Project Delivery – G Whittaker, Manager Infrastructure Strategy and Planning – M Dowd and Manager Community Cultural and Economic Development – S Savage

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DISCLOSURE OF INTERESTS

Councillor Rimmer declared a Pecuniary Conflict of Interests in Item 3 due to a family member living within 400 metres of the property listed in Point 1d. Councillor Rimmer advised that she would therefore depart the Chamber and not participate in debate and voting in relation to this Item.

Councillor Martin declared non-significant, non-pecuniary conflicts of interests in Items 3, 4, 5 and 6 as she is employed by the NSW Department of Planning and Environment. She further advised that her job involves draft planning agreements however she is not involved in reclassification of any land in the Wollongong Local Government Area, therefore she would remain in the Chamber for debate and voting in relation to these Items.

PETITIONS AND PRESENTATIONS

Councillor King tabled a petition including 88 signatures in relation to Huntley and Avondale Roads, Dapto. The petition requested Council urgently review the abovementioned roads and requested it take a more pro-active role in ensuring the publicly used road is maintained to a suitable standard of safety.

Councillor Martin tabled a petition in relation to the planting of shade trees around the children's park at King George Oval, Port Kembla.

Councillor Martin tabled a petition in relation to increased lighting in Wentworth Street, Port Kembla.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 8 APRIL 2019

223 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the Minutes of the Ordinary Meeting of Council held on Monday, 8 April 2019 (a copy having been circulated to Councillors) be taken as read and confirmed.

CALL OF THE AGENDA

224 **COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor D Brown seconded Councillor Figliomeni that the staff recommendations for Items 4 to 7 and 9 to 17 inclusive be adopted as a block.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Colacino that the numbered Agenda Items be considered prior to the lettered Agenda Items.

ITEM A - LORD MAYORAL MINUTE - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - CAMPAIGN FOR FAIRER FUNDING FOR LOCAL GOVERNMENT

This Item was considered after the numbered agenda Items. Refer to Minute number 224.

ITEM B - NOTICE OF MOTION - COUNCILLOR COLACINO - ROAD SURFACING OPTIONS

This Item was considered after the numbered agenda Items. Refer to Minute number 224.

ITEM 1 - PROPOSED CITY WIDE PROGRAM TO CHANGE RESIDENTIAL STREET LIGHTING TO ENERGY EFFICIENT LED LIGHTS

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

- 1 Council enter into an agreement with Endeavour Energy to implement the accelerated program to change all available mercury vapour residential class street lights (50 and 80 Watt Mercury Vapour) to energy efficient LED technology, at a cost of \$1,554,836.
- 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 allocate \$1,554,836 from the Strategic Projects Restricted Asset account to fund the implementation of this program with all savings in the street lighting program as a result of this program to be directed back to this account as they are realised.

ITEM 2 - PUBLIC TOILET STRATEGY 2019-2029

226 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor D Brown seconded Councillor King that –

- 1 Council endorses the Public Toilet Strategy 2019-2029.
- 2 Council notes the Engagement Report, Summary of Submissions and the Public Toilet Strategy 2019-2029 Implementation Plan.
- 3 A Councillor Briefing be held on how Council will ensure that toilets that are part of sporting facilities, are to be provided with changing rooms for both males and females.

Variation The variation moved by Councillor King (the addition of Point 3) was accepted by the mover and seconder.

In favour Councillors Kershaw, Rimmer, D Brown, T Brown, Martin, King, Colacino, Walters, Dorahy, Figliomeni

Against Councillors Cox, Blakey and Bradbery

DEPARTURE OF COUNCILLOR

Due to a prior Disclosure of Interest, Councillor Rimmer departed the Chamber and was not present during debate and voting on Item 3, the time being 6.26 pm.

ITEM 3 - DRAFT PLANNING PROPOSAL: PROPOSED RECLASSIFICATION OF SIX COUNCIL PROPERTIES - POST EXHIBITION

227 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor D Brown seconded Councillor Colacino that -

- 1 The Planning Proposal PP-2017/8 for the following sites be progressed:
 - a Lot 1 DP 214743, part of Bloomfield Park, Corrimal – reclassification to Operational Land, and rezone to E3 Environmental Management with a Floor Space Ratio of 0.1:1 and a Minimum Lot Size of 199m².
 - b Lot 87 DP 32081, Baringa Place, Dapto – reclassification to Operational Land.
 - c Lot 16 DP 216777, Range Place, Bulli – reclassification to Operational Land and discharge two covenants.
 - d Lot 5 DP 217372, No 18 Stanbrook Avenue, Mt Ousley – reclassification to Operational Land, and rezone to R2 Low Density Residential with a Floor Space Ratio of 0.5:1 and Minimum Lot Size of 449m².

- e Lot 2 DP 231004, 46 Montague Street, North Wollongong – reclassification to Operational Land.
 - f Lot 6 DP 398037, No. 26 Park Road, Bellambi - be reclassified to Operational Land and rezoned to R2 Low Density Residential with a Floor Space Ratio of 0:5:1 and minimum Lot size of 449m2 and the discharge of one covenant.
- 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.

Variation Councillor Kershaw's variation was accepted by the mover and seconder

- The addition of Point 1f
- The removal of Point 2 and the renumbering Points 3 to 2 and 4 to 3.

In favour Councillors Kershaw, D Brown, T Brown, Martin, Colacino, Walters, Dorahy, Figliomeni and Bradbery

Against Councillors King, Cox and Blakey

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

- 1 The Planning Proposal PP-2017/8 for the following sites be progressed:
 - a Lot 1 DP 214743, part of Bloomfield Park, Corrimal – reclassification to Operational Land, and rezone to E3 Environmental Management with a Floor Space Ratio of 0.1:1 and a Minimum Lot Size of 199m2.
 - b Lot 2 DP 231004, 46 Montague Street, North Wollongong – reclassification to Operational Land.
 - c Lot 6 DP 398037, No. 26 Park Road, Bellambi - be reclassified to Operational Land and rezoned to R2 Low Density Residential with a Floor Space Ratio of 0:5:1 and minimum Lot size of 449m2 and the discharge of one covenant.
- 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.

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

In favour Councillors King, Cox and Blakey

Against Councillors Kershaw, D Brown, T Brown, Martin, Colacino, Walters, Dorahy, Figliomeni and Bradbery

Following the defeat of Councillor Cox's AMENDMENT, Councillor D Brown's MOTION was PUT to the VOTE and was CARRIED

RETURN OF COUNCILLOR

At the conclusion of debate and voting on Item 3, Councillor Rimmer returned to the meeting, the time being 6.50 pm.

ITEM 4 - PROPOSED CLASSIFICATION OF LOT 500 DP1161858 SANDON DRIVE, BULLI

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 In accordance with Section 31 of the Local Government Act 1993, Lot 500 in DP 1161858 Sandon Drive, Bulli be classified as:
 - a Community Land (3.12 hectares).
 - b Operational Land (1375m²) – a 25m wide strip from the end of Geraghty Street, parallel to the South Coast Rail Line, to the Anglican Community Services site (Lot 2 in DP 1176767).

ITEM 5 - DRAFT PLANNING AGREEMENT: RBWI PTY LTD - 81 ESCARPMENT DRIVE, CALDERWOOD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 The Draft Planning Agreement and Explanatory Note between Wollongong City Council and RBWI Pty Ltd (Attachments 2 and 3 of the report) be exhibited for a minimum period of 28 days.
- 2 Shellharbour City Council be advised that Wollongong City Council and RBWI Pty Ltd are proposing to enter into a Planning Agreement for the provision of monetary contributions towards Wollongong City Council road upgrades as required by the Calderwood Major Project Approval, and should it determine that DA0569/2017 or any other development application for the subject land be approved, appropriate conditions of consent be included.
- 3 The General Manager be delegated authority to determine, finalise and execute the Planning Agreement, including making minor amendments, after consideration of any issues raised in the public exhibition.

ITEM 6 - DRAFT PLANNING AGREEMENT: BENAUGHTON CALDERWOOD PTY LTD – 128 NORTH MACQUARIE ROAD, CALDERWOOD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 The Draft Planning Agreement and Explanatory Note between Wollongong City Council and Benaughton Calderwood Pty Ltd (Attachments 2 and 3 of the report) be exhibited for a minimum period of 28 days.
- 2 Shellharbour City Council be advised that Wollongong City Council and Benaughton Calderwood Pty Ltd are proposing to enter into a Planning Agreement for the provision of monetary contributions towards Wollongong City Council road upgrades as required by the Calderwood Major Project Approval, and should it determine that DA577/2017 or any other development application for the subject land be approved, appropriate conditions of consent be included.

- 3 The General Manager be delegated authority to determine, finalise and execute the Planning Agreement, including making minor amendments, after consideration of any issues raised in the public exhibition.

ITEM 7 - PROPOSED COMPULSORY ACQUISITION OF AIRSPACE ABOVE MULLET CREEK, DAPTO - FOWLERS ROAD TO FAIRWATER DRIVE EXTENSION PROJECT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 Council acquire proposed Lot 13 DP 1242770, being a stratum lot within the airspace above Mullet Creek by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 by authority contained in the Roads Act 1993 for the purpose of a road.
- 2 The minerals are to be excluded from this acquisition.
- 3 This acquisition is not for the purpose of resale.
- 4 The necessary applications be made to the Minister for Local Government and the Governor, for the compulsory acquisition of airspace above Mullet Creek.
- 5 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation and the General Manager and Mayor be delegated to sign any related documents to give effect to this resolution.

ITEM 8 - PROPOSED EASEMENT FOR PIPELINE WITHIN COUNCIL ROAD RESERVE - SPRINGHILL ROAD, PORT KEMBLA

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

- 1 Council approve the grant of a Pipeline Easement three metres wide approximately seven metres under the ground in respect of Council road reserve located at Springhill Road, Port Kembla, as shown on the attachment to the report.
- 2 Council accept payment in the amount of \$6,750 (excluding GST) from the applicant as compensation for the grant of the easement.
- 3 The applicant be responsible for all reasonable costs incurred in respect of the grant of easement.
- 4 The General Manager be authorised to negotiate and execute any documents to give effect to this resolution.
- 5 Approval be granted to affix the Common Seal of Council to the survey plan, Section 88B Instrument and any other documentation required to give effect to this resolution.

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

ITEM 9 - ACQUISITION OF LOT 18 DP 241582 OTFORD ROAD, OTFORD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 Council acquire Lot 18 DP 241582 Otford Road, Otford, for the agreed purchase price of \$100,000 (plus GST if applicable). The land is required for passive open space land as per the Land Reservation Acquisition Map in the Wollongong Local Environment Plan 2009.
- 2 Council be responsible for the land owner's reasonable costs associated with the sale for eg, legal costs under the terms of the Land Acquisition (Just Terms Compensation) Act 1991.
- 3 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.
- 4 Upon acquisition the land becomes classified as Community Land.

ITEM 10 - ACQUISITION OF LOT 1 MACCABE STREET, DAPTO

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 Council acquire Lot 1 DP 1151645 known as Lot 1 Maccabe Street, Dapto for an agreed amount of \$4,000 (plus GST if applicable).
- 2 The acquisition to be under the terms of the Land Acquisition (Just Terms Compensation Act) 1991 with Council being responsible for the owner's reasonable costs in association with the sale for eg. legal costs under S.55 of the Act.
- 3 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.
- 4 Upon acquisition the land becomes classified as Operational Land.

ITEM 11 - REQUEST FOR DRAINAGE EASEMENT THROUGH COUNCIL COMMUNITY LAND AT ACACIA AVENUE, GWYNNEVILLE, AS PER DA-2017/1682

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 As per the requirement in Deferred Commencement Approval DA-2017/1682, Sec (1)(a), Council grant a drainage easement 1.5 metres wide through its Community Land being Lot 204 DP 816857, known as Lot 204 Acacia Avenue, Gwynneville.
- 2 The drainage easement benefits Lot 203 DP 816857 which is owned by the Illawarra Disability Trust.
- 3 Council accepts compensation in the amount of \$8,500 (excluding GST) for the drainage easement as per the market valuation report obtained by Council.
- 4 The Illawarra Disability Trust be responsible for all costs in association with the matter.
- 5 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.

ITEM 12 - ACQUISITION OF LOT 38 SECTION G DP 2644 - 3 UNDOLA ROAD, HELENSBURGH

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 Council acquire Lot 38 Section G DP 2644 known as 3 Undola Road, Helensburgh for the agreed purchase price of \$70,000 (plus GST if applicable). The land is acquired for passive open space land as per the Land Reservation Acquisition Map in the Wollongong Local Environment Plan, 2009.
- 2 Council be responsible for the land owner's reasonable costs associated with the sale for eg, legal costs under the terms of the Land Acquisition (Just Terms Compensation) Act, 1991.
- 3 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.
- 4 Upon acquisition the land becomes classified as Community Land.

ITEM 13 - TENDER T18/52 PORTER STREET, NORTH WOLLONGONG - SHAREWAY UPGRADE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Select Civil Pty Ltd for the Porter Street, North Wollongong Shareway Upgrade, in the sum of \$456,556.22, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 14 - TENDER T19/06 THIRROUL POOL SALTWATER INTAKE PIPES REPLACEMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Dynamic Civil Pty Ltd for the Thirroul Pool Saltwater Intake Pipes Replacement, in the sum of \$876,559.00, excluding GST, subject to the issue of a NSW Crown Lands licence for the works.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 15 - MARCH 2019 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

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

- 1 The financials be received and noted.
- 2 Council approve an increase in the capital budget of \$3.5M that is fully offset by a corresponding level of funding from restricted assets.

ITEM 16 - STATEMENT OF INVESTMENT - MARCH 2019

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor D Brown seconded Councillor Figliomeni that Council receive the Statement of Investment for March 2019.

ITEM 17 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD ON 17 APRIL 2019

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 224).

COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor D Brown seconded Councillor Figliomeni that in accordance with the powers delegated to Council, the Minutes and Recommendations of the City of Wollongong Traffic Committee held on 17 April 2019 in relation to Regulation of Traffic be adopted.

ITEM A - LORD MAYORAL MINUTE - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - CAMPAIGN FOR FAIRER FUNDING FOR LOCAL GOVERNMENT

229 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Council -

- 1 Acknowledge the importance of federal funding through the Financial Assistance Grants program for the continued delivery of council services and infrastructure.
- 2 Express concern at the decline in the value of Financial Assistance Grants funding from an amount equal to around 1% of Commonwealth Taxation Revenue in 1996 to a current figure of around 0.55%.
- 3 Calls on all political parties contesting the 2019 Federal Election and their local candidates to support the Australian Local Government Association's call to restore the national value of Financial Assistance Grants funding to an amount equal to at least 1% of Commonwealth Taxation revenue and therefore to provide a Fairer Share of Federal funding for our local communities.
- 4 Seek the support of the Federal Minister for Local Government (and Shadow Minister) to commit to the minimum of 1% of Commonwealth Taxation revenue to be provided to local government.

Variation The variation by Councillor Martin was accepted by the mover

- *The addition of Point 4.*

ITEM B - NOTICE OF MOTION - COUNCILLOR COLACINO - ROAD SURFACING OPTIONS

230 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Kershaw that staff provide a presentation to Councillors regarding 'Road Surfacing Options' at a briefing to be held on Monday, 1 July 2019, detailing the following information –

- 1 A list of options used when road re-surfacing works are undertaken.
- 2 Details of all of the different re-surfacing options that are currently available including the use of recycled materials.
- 3 A breakdown of costs, per square metre, for each of those re-surfacing options.
- 4 Supply information regarding the expected life span for each re-surfacing option.
- 5 Detail whether the options now used have changed over the past six years and if they have, why.
- 6 How many contractors Council currently uses to undertake these works.
- 7 Examples of the communications issued to the residents when resurfacing is occurring in their street.
- 8 Staff also provide a priority list for construction and resurfacing and how the priority is applied.

Variations The variations were accepted by the mover and seconder –

- *Councillor Kershaw (the addition of Point 7).*
- *Councillor King (the addition of Point 8).*
- *Councillor Blakey (the addition of the words 'including the use of recycled materials' to Point 2).*

THE MEETING CONCLUDED AT 7.49 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 27 May 2019.

Chairperson

ITEM C

RECEIVE REPORT FROM THE RECRUITMENT AND SELECTION COMMITTEE REGARDING THE POSITION OF GENERAL MANAGER

On 1 February 2019 the position of General Manager of Wollongong City Council became vacant following the resignation of David Farmer.

Under the *Local Government Act 1993* the governing body of Council must use a merit selection process to appoint a General Manager. In seeking to achieve this, Council has followed the *Guidelines for the Appointment and Oversight of General Managers (July 2011)* as outlined by the Office of Local Government.

On 29 January 2019 Council established the Recruitment and Selection Committee (the Committee) to oversee the appointment and recommend the most suitable applicant to the full Council for final decision. The Committee is comprised of the Lord Mayor (Chair), Deputy Lord Mayor and Councillors Tania Brown, Colacino and Cox.

In line with the Council resolution in January 2019, the Committee engaged Local Government NSW Management Solutions to provide external recruitment advice and facilitate the recruitment process.

The independent Chair of the Audit, Risk and Improvement Committee was also asked to monitor the recruitment process and provide advice on the probity and statutory requirements relating to the recruitment and appointment of a General Manager.

32 applications were received for the position of General Manager. The applications were of an exceptionally high standard with several interstate candidates applying. The candidates had experience in local government, private enterprise and government agencies. The Committee selected 7 applicants to progress to interview based on reviewing the candidates' applications against the selection criteria and their relevant experience. Interviews were conducted on 11 and 12 April 2019.

On 6 May 2019 the Committee presented the confidential General Manager Recruitment Report to Councillors and recommended a preferred candidate for the General Manager position. The report outlines the key aspects of the recruitment, including how the position was advertised, the number of applications received and the extensive process which was undertaken to identify the preferred candidate.

Councillors were given the opportunity to meet with the preferred candidate on 13 May 2019 for general discussion as per the Council resolution on 29 January 2019.

The *Guidelines for the Appointment and Oversight of General Managers* state the Recruitment and Selection Committee report is to go to a closed meeting of Council for determination.

RECOMMENDATION

This item be considered in Closed Session under Section 10A 2(a) of the Local Government Act 1993 as the report contains personnel matters concerning particular individuals.

ATTACHMENTS

There are no attachments for this report.

ITEM A

NOTICE OF MOTION - COUNCILLOR RIMMER - SPORTSGROUNDS AND SPORTING FACILITIES STRATEGY 2017-2027

Councillor Rimmer has submitted the following Notice of Motion –

“I formally move that –

- 1 Council re-affirms the Sportsground and Sporting Facilities Strategy 2017-2027, Goal 2.1, *‘provision of quality amenities that cater for male and female participation in sport.’*
- 2 Council note the Strategy goal 2.1.2, *‘Ensure gender equitable facilities and accessible facilities are incorporated into all planning components for future renewal of facilities’* with the associated action of *‘Ensure that the design of amenities meets current standards with an emphasis on female participation at regional and district level facilities.’*
- 3 Council note the importance of female participation in sport.
- 4 Council note that across the Local Government Area there are thousands of females participating in local sport and utilising local sporting grounds.
- 5 An audit of the city’s sporting facilities be conducted with a focus ascertaining the current availability of future need of female amenities and change rooms. That the audit include the number of amenities built or modified since the adoption of the Strategy.
- 6 The audit to include a program of works highlighting the priority sports grounds for upgrades for female amenities and change rooms.
- 7 The results of the audit to be presented to Councillors at a briefing session at the end of 2019. At this briefing, an update should be given to Councillors on any planned works to be undertaken at sports facilities, works that are required at sports facilities and estimated costs for these works.”

ITEM B NOTICE OF MOTION - COUNCILLOR BLAKEY - VERGE GARDENS

Councillor Blakey has submitted the following Notice of Motion –

“I formally move that –

- 1 Council note that establishing a verge garden helps to beautify local streets, show pride in our neighbourhoods and contribute to a clean, green Wollongong.
- 2 Staff provide a briefing on the development of Verge Garden Guidelines that align with the Urban Greening Strategy and Pedestrian Plan.”

Background provided by Councillor Blakey:

Verges in suburban areas are generally public land under the tenure of the local council, but their upkeep is managed by the resident of the adjacent property. The development of verge garden guidelines will help support Wollongong’s vision of a clean, green city that protects and supports our local environment by sustainably managing and caring for our natural environment and resources. The guidelines will support the safety of pedestrians and road users by minimising trip hazards and ensuring community safety and access on this public space is maintained. Guidelines will also reduce public confusion and uncertainty regarding appropriate management of verge vegetation.

The Urban Greening Strategy was adopted by Wollongong City Council in November 2017. The strategy recommended the development of new “Verge Garden Guidelines” for public realm. Under the Community Strategic Plan, Urban Greening was identified as working towards a range of interconnected community goals and objectives which include reducing Wollongong’s ecological footprint (1.3), improving the sustainability of the urban environment (1.6), increasing the physical and mental wellbeing of residents (5.1), a high standard of public domain (5.3), and increasing participation in recreation and lifestyle (5.5).

Many councils around Australia have verge garden guidelines that inform residents of their responsibilities and site considerations when establishing a verge garden. Guidelines from Councils such as Sydney, Brisbane and Fremantle take this approach, and support growing a range of suitably managed vegetation on verges. If an instance of verge garden non-compliance is found then staff can work with the residents to address areas of concern.

ITEM 1

BIODIVERSITY CERTIFICATION APPLICATION FOR PART OF THE AVONDALE RESORT SITE AT AVONDALE

The owners of the Avondale Resort site (formerly the Huntley Heritage precinct), have requested that Council, as the planning authority, lodge a Biodiversity Certification Application with the NSW Office of Environment and Heritage for the Avondale Resort North and South precincts, Avondale Road, Avondale and Huntley.

The Biodiversity Certification Application proposes the clearing of 10.5 hectares of native vegetation, which is offset by the conservation of 23.7 hectares of native vegetation, and the retirement of 254 conservation BioBanking credits. The key advantage of the Biodiversity Certification process is that it identifies the biodiversity values of the land as part of the strategic planning process, and provides certainty that a positive conservation outcome can be achieved which is supported by a funding mechanism. The application and supporting report have been reviewed by Council officers and it is recommended that Council resolve that the Biodiversity Certification Application be progressed.

RECOMMENDATION

- 1 The Biodiversity Certification for the Avondale Resort North and South precincts within the Avondale Resort Site, be progressed, with Council as the planning authority lodging the Biodiversity Certification Application to the Office of Environment and Heritage.
- 2 If endorsed by the Office of Environment and Heritage, the Biodiversity Certification application be exhibited for a minimum period of 30 days, and then the submissions and exhibition findings be reported to the Minister for the Environment.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Mark Riordan, Director Planning and Environment - Future City and Neighbourhoods (Acting)

ATTACHMENTS

- 1 Location Plan
- 2 Concept Plan
- 3 Zoning Map
- 4 BioBanking Map
- 5 Biodiversity Certification Map
- 6 Biodiversity Certification Application

BACKGROUND

The Avondale Resort site (formerly Huntley Heritage precinct) is located at the end of Avondale Road and Cleveland Road, Avondale (Attachment 1). The total site now comprises 17 lots and covers an area of 571 hectares. The site extends from near the intersection of Avondale and Cleveland Roads located within the West Dapto Urban Release Area, at an elevation of 50m AHD, to the top to the Illawarra Escarpment with an elevation of 450m AHD.

The site was the location of the former Huntley and Avondale Collieries, where the mine / pit head was located in the Illawarra Escarpment, and coal was transferred to the lower part of the site to a washery. Huntley Colliery was established in 1946 and bought by the State Government in 1951 to supply coal to the Tallawarra Power Station. The mine closed in 1989 and was sold by the State in the 1990's.

In September 2006, a rezoning proposal was lodged with Council for the former Huntley and Avondale Collieries and included the Rosehill Farm properties. In December 2010, the proponent decided to remove the western lands, including Rosehill Farm, from the draft Planning Proposal. The draft Planning Proposal for the former Huntley emplacement site and golf course was subsequently exhibited, adopted

by Council on 12 December 2011 and Wollongong Local Environmental Plan 2009 (Amendment 12) was notified on 8 March 2012.

In 2018, consultants for the current owners of the site, Visionary Investment Group (VIG) prepared a new vision / concept plan for the site (Attachment 2). The concept plan shows the locations for resort facilities, golf course, villas, car parking and roads. Additionally, the masterplan identifies cleared land and the indicative locations for proposed residential housing. To achieve the development outcomes, the masterplan notes previous impacts from mining on the site will be remediated through site works that will have beneficial impacts upon the environment.

The owners have sought the NSW Department of Planning and Environment Secretary's Environmental Assessment Requirements (SEAR's) for a Major Project Application for the development of the entire site in four stages and a detailed proposal for Stage 1 of the development (18 Hole Championship Golf Course and Silkari Golf and Spa Hotel). Council officers have provided initial comments on the proposal.

The Avondale Resort site can be divided into 4 precincts which have different planning controls and approvals.

Avondale Resort North (formerly Huntley North)

The Avondale Resort North precinct (Attachments 1 and 3) includes Lot 1 DP 382339, Lot 1 and Lot 2 DP 549152. It has an area of approximately 47 hectares and is bounded by Avondale Road to the south and Cleveland Road to the east, rural pasture land to the north and the Illawarra Escarpment to the west. The area was rezoned in 2012 and is zoned R2 Low Density Residential, E4 Environmental Living, RE2 Private Recreation, E3 Environmental Management and E2 Environmental Conservation.

On 3 December 2010, Development Application DA-2009/1037 for an 18 hole golf course was approved by the Joint Regional Planning Panel on the land now zoned RE2 Private Recreation. This precinct contained 6 golf holes. The Development Consent was amended in 2011 and 2013.

On 3 August 2015, Council approved the Huntley North Neighbourhood Plan for some 156 residential lots in the R2 Low Density Residential and E4 Environmental Living zone. Council also resolved (in part) that:

- 5 *Council support, in principle, the Biocertification process for the Huntley precinct and this be subject to a further report to Council.*

On 12 August 2015, the Neighbourhood Plan for Avondale Road North came into force as part of Chapter D16 of Wollongong Development Control Plan 2009. DA-2015/1033 was lodged in August 2015 for a 156 lot residential subdivision in the Avondale Road North Precinct, and was withdrawn in October 2015 with unresolved issues. DA-2016/1019 was lodged in July 2016 for a 105 lot residential subdivision in the Avondale Road North precinct. This DA was refused in June 2017 and is currently the subject of an appeal to the NSW Land and Environment Court.

Avondale Resort South (formerly Huntley South)

The Avondale Resort South precinct (Attachments 1 and 3) was rezoned in June 2012 and is currently zoned RE2 Private Recreation, R2 Low Density Residential, E4 Environmental Living, E3 Environmental Management and E2 Environmental Conservation.

On 3 December 2010, Development Application DA-2009/1037 for an 18 hole golf course was approved by the Joint Regional Planning Panel on the land now zoned RE2 Private Recreation. This precinct contained 12 golf holes, the golf club house, golf course accommodation consisting of 4 buildings of 2 storeys each and a total of 60 lodges, golf course driving range, two tennis courts, biomechanical sports and education centre with car parking and an on-site tertiary sewerage treatment plant. The Development Consent was amended in 2011 and 2013.

On 12 March 2018, Council approved the draft Neighbourhood Plan for some 215 lots in the R2 Low Density Residential and E4 Environmental Living zone for exhibition. The draft Neighbourhood Plan was exhibited from 7 April and 7 May 2018. On 7 May 2018, the NSW Environmental Protection Authority (EPA) raised concern over the proximity of the proposed residential development and the solid waste

landfill occurring on the site, and the risk of landfill gas impacting on the proposed development. This issue requires resolution and has stalled the progression of the draft Neighbourhood Plan.

Avondale Resort West (Rosehill Farm)

The Rosehill Farm site is now part of the Huntley landholding. Rosehill Farm consists of two lots, Lot A DP 106828 and Lot 21 DP 1079478 (Attachments 1 and 3). Lot A has an area of approximately 1 hectare and is zoned E3 Environmental Management. Lot 21 has an area of approximately 61 hectares and is zoned E3 Environmental Management and E2 Environmental Conservation (Attachment 3). Lot 21 currently contains a dwelling house.

On 15 December 2014, Council considered and refused a draft Planning Proposal request (PP-2013/1) to reduce the Minimum Lot Size map to permit 7 rural residential lots of 1 to 2 hectares and 1 residual lot of 52 hectares. The applicant lodged a pre-Gateway appeal with the NSW Department of Planning and Environment, and the proposal was reviewed by the Joint Regional Planning Panel which supported Council's refusal.

The new concept plan (Attachment 2) shows the site containing some golf holes and residential development. The Major Project application notes the status of the application is currently listed at Environmental Impact Statement (EIS). The assessment of the Major Project application has yet to be undertaken.

Avondale Resort - Escarpment lands

The far western part of the Huntley landholding (Attachments 1 and 3) is in the Illawarra Escarpment and includes the former mine buildings and entrance portal. The land is zoned E2 Environmental Conservation. The masterplan shows the reuse of the buildings, and new structures to provide tourist accommodation.

Lot 20 DP 3083 located on the northern side of Avondale Road (Attachment 1) is yet to be acquired and incorporated into the Huntley landholding. However, the applicant has provided owners consent to Council. The concept plan shows this site being the location of a proposed golf lodge, gate house and villas.

Biodiversity certification application

Under the former *NSW Threatened Species Conservation Act 1995*, Council can lodge landscape Biodiversity certification applications to the NSW Office of Environment and Heritage (OEH). Under the new Biodiversity Conservation Act 2016, Biodiversity certification applications can be lodged either by Council or a private landowner.

In 2015, consultants for the landowner commenced the preparation of studies to support a Biodiversity certification application for the Avondale Resort North and South precincts. In November 2017, as part of the commencement of the new *Biodiversity Conservation Act 2016*, the NSW Minister for the Environment issued an Order saving the work completed to date for pending Biodiversity certification applications for Huntley and West Dapto under the provisions of the former *Threatened Species Conservation Act 1995* until 25 August 2019.

On 8 February 2019, the Office of Environment and Heritage approved a BioBanking Agreement covering parts of the Avondale Resort North and South precincts (Attachment 4) to conserve 45.8 hectares and generate 518 plant community credits covering 3 vegetation communities, and 15 species credits, as summarised in the following table:

Plant Community Type	Area (ha)	Credits created
Forest Red Gum – Thin-leaved Stringybark grassy woodland on coastal lowlands	33.84	411
Lilly Pilly – Sassafras – Stringing Tree subtropical / warm temperate rainforest on moist fertile lowlands	3.54	37
Whalebone Tree – Native Quince dry subtropical rainforest on dry fertile soils	8.47	70
Subtotal	45.85	518
Species credits		
<i>Daphnandra johnsonii</i> (Illawarra Socketwood)	1.41	10
<i>Cynanchum elegans</i> (White-flowered Wax Plant)	0.75	5
Subtotal		15

Biodiversity certification is a mechanism to integrate planning for biodiversity conservation with planning for proposed intensification of land use. In this way, the planning authority is able to identify:

- areas of high biodiversity value to be protected from development; and
- other areas of lower biodiversity value, including cleared land, suitable for development.

The key advantage of the Biodiversity certification process is that it encourages planning authorities to identify the biodiversity values of the land as part of the strategic planning process, and provides certainty that a positive conservation outcome can be achieved as the lands identified for in perpetuity biodiversity protection and management, along with the funding mechanism, are locked in at the strategic planning stage.

Biodiversity certification can only be 'conferred' where the proposal 'improves and maintains' biodiversity values. The Biodiversity Conservation Assessment Methodology (BCAM) provides a repeatable and consistent approach to measure whether a proposal meets the 'improve or maintain' standard. It does this by assessing the impacts of the proposed development, whilst also measuring potential gains to biodiversity from conservation measures that are to be applied to areas set aside from development and protected and managed for conservation.

On 7 September 2018, Council resolved to progress a similar Biodiversity Certification application for the Redgum Ridge site at Figtree

PROPOSAL

On 18 March 2019, Ecological Consultants on behalf of the landowner, submitted the Biodiversity certification application for the north and south Huntley precincts to Council for review and submission to the NSW Office of Environment and Heritage. Council officers have been involved throughout the preparation of the draft report and had provided comments on the earlier draft reports.

The Biodiversity Assessment Report and Biodiversity Certification Strategy (EcoPlanning 2018) identify a Biodiversity Certification Assessment Area (BCAA) of 154.85 hectares (Attachment 5), which comprises all of Avondale Resort North precinct and some 70% of Avondale Resort South precinct. The 154.85 ha. is divided into:

- 10.50 ha of land proposed for biodiversity certification (ie development),
- 23.17 ha of land proposed for conservation measures and
- 121.18 ha of retained land. Land that is not nominated as part of Biocertification process for either development or conservation. The retained land may contain vegetation that is proposed to be removed, and is assessed through a development application process.

The assessment found that the proposed clearing of 10.5 hectares of native vegetation, requires the conservation of 23.7 hectares of native vegetation.

Credits are calculated for both the impacts caused by the proposed development and the improvements to biodiversity through the in-perpetuity management of the lands identified for conservation. The land proposed for conservation measures will generate 254 credits, with management actions to be undertaken on the BioBank site focusing on the standard actions required under the Biodiversity Banking Assessment Methodology. There are no off-site conservation measures proposed.

To achieve the conservation outcomes, the proponent is proposing to utilise some of the credits generated through the BioBanking Agreement, as summarised in the following table:

Plant Community Type	Credits available from BioBank	Credits required for proposed certification	Credits to be retired as conservation measures	Balance
Forest Red Gum – Thin-leaved Stringybark grassy woodland on coastal lowlands	411	226	237	174
Lilly Pilly – Sassafras – Stringing Tree subtropical / warm temperate rainforest on moist fertile lowlands	37	1	6	31
Whalebone Tree – Native Quince dry subtropical rainforest on dry fertile soils	70	1	11	59
Subtotal	518	228	254	264

The Assessment proposes to retire slightly more credits for each vegetation community than is required to provide a buffer against minor additional development impacts.

All credits generated from the BioBank site within the BCAA will be retired at the time of certification to offset the impacts of the proposed certification.

The balance of the credits generated in the additional BioBank lands will be available to offset future impact within the broader Huntley lands and/or for sale on the open market.

Council officers have reviewed the report and are supportive of submitting a Biodiversity certification application to OEH (Attachment 6).

CONSULTATION AND COMMUNICATION

The draft Biodiversity Assessment Report and Biodiversity Certification Strategy have been prepared in consultation with Council officers and officers of OEH. It should be noted consultation with OEH has been ongoing, with two site visits and various meetings of all parties in the period of 2015-18.

If the draft Biodiversity certification Application is endorsed by OEH, Council will be required to exhibit the application and supporting report for a minimum period of 30 days. Council is then required to prepare a submissions report to the Minister for Energy and the Environment. OEH then make recommendations to the Minister, who then either confers Biodiversity certification on the specified land or refuses it.

The proponent has requested Council to undertake the role of lodging the application that has been prepared by the proponent. There is no application fee for Biodiversity Conservation. The proponent has commissioned and funded the preparation of all the necessary environmental studies and Biodiversity Certification Assessment, and preparation of the Biodiversity Conservation Strategy, as required by OEH. Council will be responsible for the costs associated with advertisement and exhibition of the application and Biodiversity Conservation Strategy, preparation of a submissions report and staff attendance at any meetings required with OEH and consultants

PLANNING AND POLICY IMPACT

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

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
1.1.1 The community is actively involved in the expansion and improvement of our green corridors and other natural areas connecting the escarpment to the sea	1.1.1.2 Projects and programs that achieve enhancement of the natural environment and escarpment are developed and implemented	Continue to pursue biodiversity certification of the West Dapto Urban Release Area including offsetting provisions.

Ecological Sustainability

Biodiversity certification is a mechanism to integrate planning for biodiversity conservation with planning for proposed intensification of land use. In this way, the planning authority is able to identify:

- areas of high biodiversity value to be protected from development; and
- other areas of lower biodiversity value, including cleared land, suitable for development.

The key advantage of the Biodiversity certification process is that it encourages planning authorities to identify the biodiversity values of the land as part of the strategic planning process, and provides certainty that a positive conservation outcome can be achieved as the lands identified for in perpetuity biodiversity protection and management, along with the funding mechanism, are locked in at the strategic planning stage.

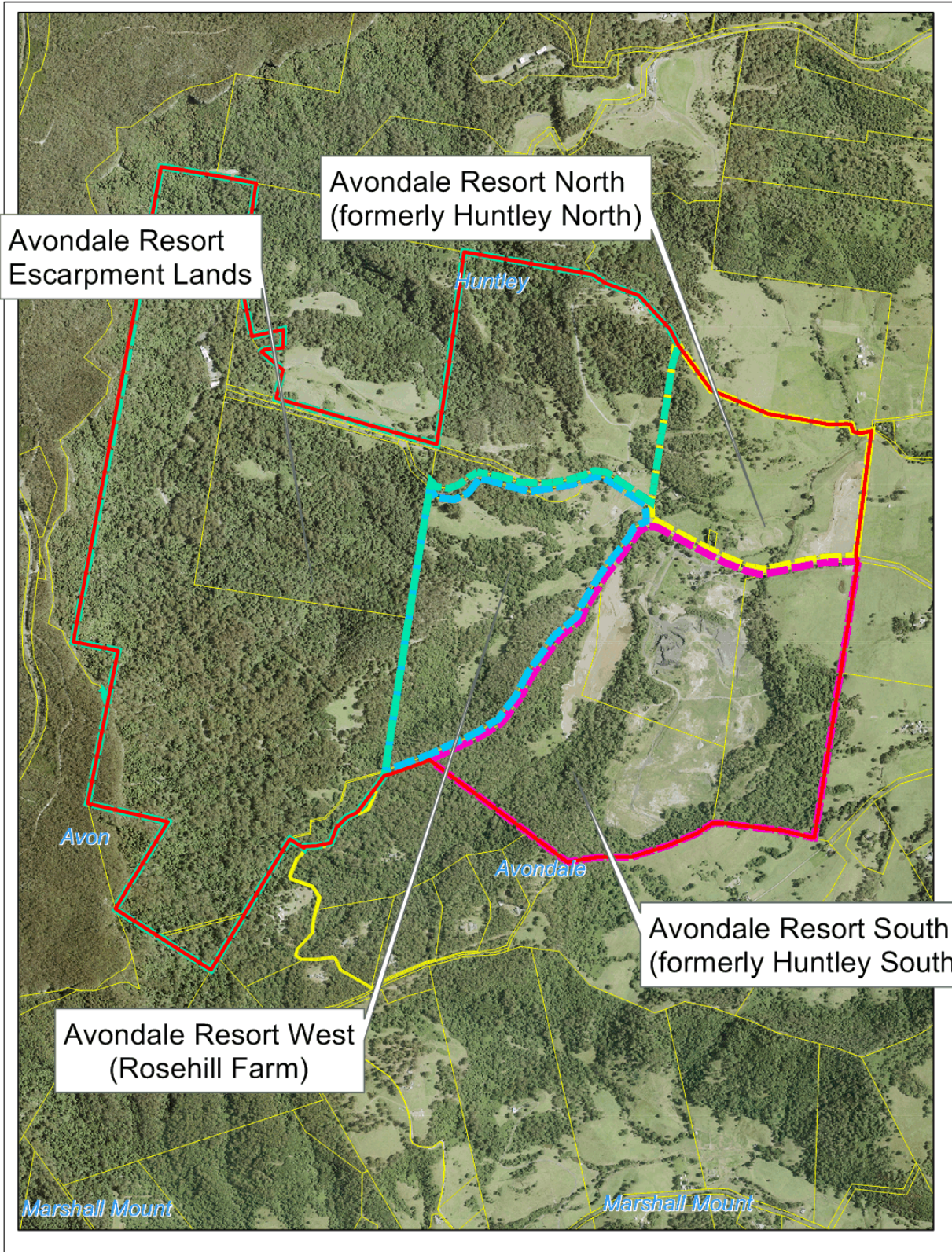
FINANCIAL IMPLICATIONS

The proposal has minimal financial implications for Council. Consultants for the owner have prepared the Biodiversity Conservation report and application. Council officers have reviewed the draft versions of the report. Council will be required to exhibit the draft application and report submissions to the Minister for the Environment. The owner will be responsible for the implementation of the Biodiversity Certification, including on-site vegetation management works.

CONCLUSION

A Biodiversity Certification Application has been prepared for part of the Avondale Resort site, covering the Huntley North and Huntley South precincts.

The supporting report has been reviewed by Council officers and it is recommended that Council progress the Biodiversity Certification Application by submitting it to the NSW Office of Environment and Heritage and then exhibit the Application.



	<h3>Locality Plan</h3> <p> Subject Land</p>	Drawn By: J Lewis	
		Date: 08.05.19	
		Biocert_Locality Plan_080519.mxd	
		 <p>0 600 Meters</p>	



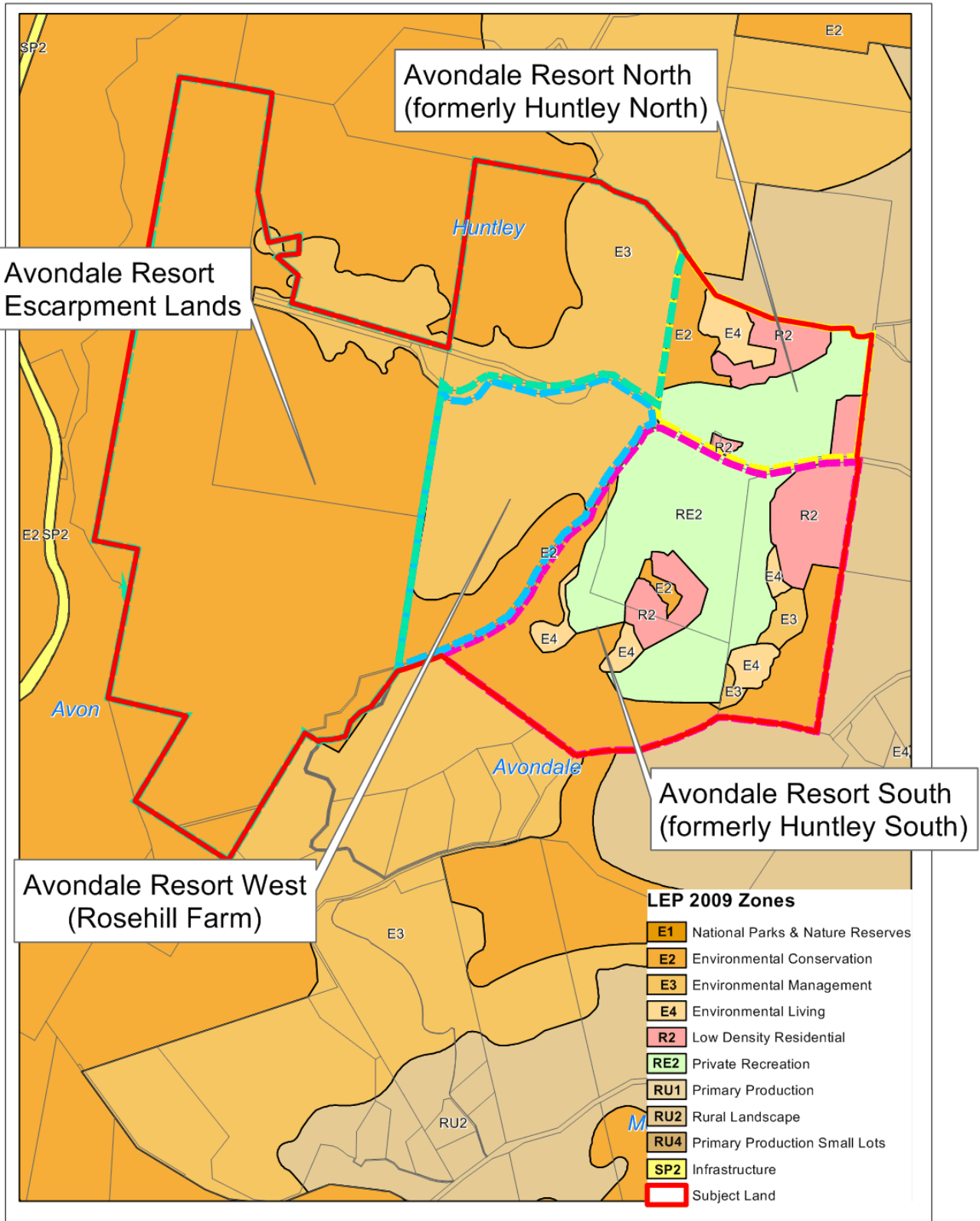
• THE SILKARI GOLF CLUB •



LEGEND

- 1 GOLF COURSE
- 2 GOLF CLUB AND FACILITIES
- 3 SPA AND WELLNESS CENTRE
- 4 ESCARPMENT RESORT
- 5 THE LODGE
- 6 GOLF ACADEMY & RECREATION CENTRE
- 7 RESIDENTIAL
- 8 HOSPITALITY & HOTEL MANAGEMENT SCHOOL
- 9 ESCARPMENT & CHAPEL PAVILLION
- 10 TENNIS & RECREATION CENTRE
- 11 MICROBREWERY & CELLAR DOOR
- 12 CHINESE GARDENS & MEDITATION MEADOW

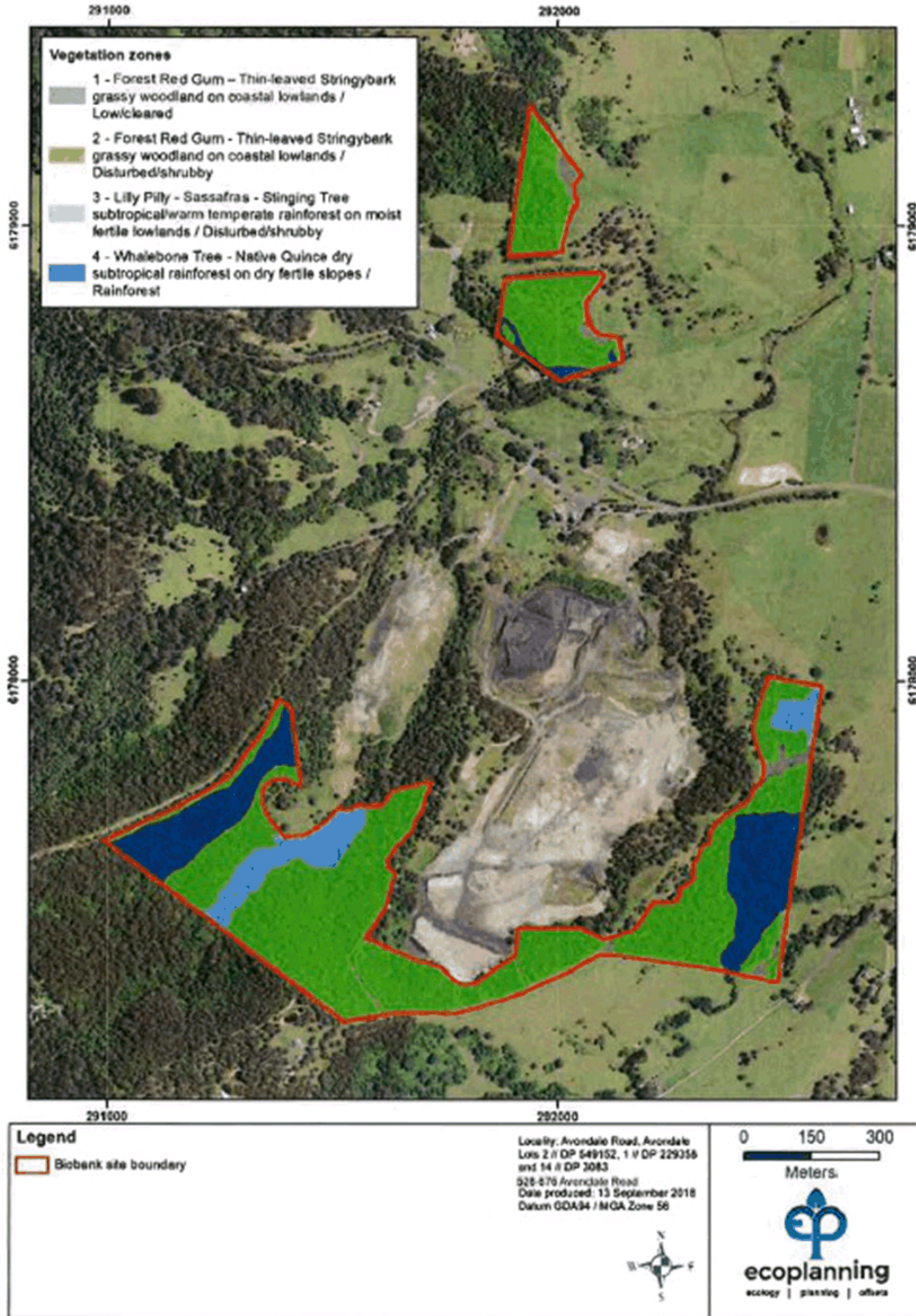
MASTER PLAN



Existing Zoning Map

Drawn By: J Lewis	
Date: 08.05.19	
Biocert_Zoning_080519.mxd	
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BioBanking Map



Biodiversity Certification Map





Biodiversity certification application

Complete this form if you wish to apply to the Minister for the Environment for biodiversity certification under the *Threatened Species Conservation Act 1995*.

Before completing this form, please read the Biodiversity Certification Assessment Methodology at www.environment.nsw.gov.au/biocertification/index.htm. If you need help with completing the form, please phone 131 555.

This is an interactive form. Click on the check boxes and type in your responses. Each field has unlimited characters.

When you have completed the form, print it and **sign where necessary**. Then **post it to**:

Minister for the Environment
c/- the Chief Executive, Office of Environment and Heritage
PO Box A290
SYDNEY SOUTH NSW 1232.

1 Applicant

An applicant for biodiversity certification must be a planning authority (e.g. a local council or the Director-General of the Department of Planning and Infrastructure). If this is a joint application from multiple planning authorities, each authority's details must be provided. The form provides fields for two planning authorities. Photocopy extra pages if more than two planning authorities are involved.

Planning authority 1			
Name	Wollongong City Council		
ABN	63 139 525 939		
Street address			
Address	41 Burelli Street		
Town	Wollongong		
State	NSW	Postcode	2500
Mailing address (if different from above)			
Address	Locked Bag 8821		
Town	Wollongong DC		
State	NSW	Postcode	2500
Main contact			
Name	Brett Morrissey		
Phone	02 4227 7111	Mobile	
Fax	02 4227 7277	Email	bmorrissey@wollongong.nsw.gov.au
Alternative contact			
Name	Renee Winsor		
Phone	02 4227 7111	Mobile	
Fax	02 4227 7277	Email	rwinsor@wollongong.nsw.gov.au

Planning authority 2 (if applicable)			
Name			
ABN			
Street address			
Address			
Town			
State		Postcode	
Mailing address (if different from above)			
Address			
Town			
State		Postcode	
Main contact			
Name			
Phone		Mobile	
Fax		Email	
Alternative contact			
Name			
Phone		Mobile	
Fax		Email	

2 Other proposed parties to biodiversity certification

The applicant(s) may propose any other person or body to be a party or parties to the biodiversity certification. By signing section 13 of this application form, such a person or body consents to being made a party to the biodiversity certification. This form provides fields for two proposed parties. Photocopy extra pages if more than two parties are proposed.

Proposed other party 1 (if applicable)			
Name	VIG HUNTLEY P/L & VIG HUNTLEY GOLF P/L		
ABN	22 603 412 540 & 20 603 412 531		
Street address			
Address	LEVEL 32, 86 CASTLEREAGH STREET		
Town	SYDNEY		
State	NSW	Postcode	2000
Mailing address (if different from above)			
Address			
Town			
State		Postcode	
Main contact			
Name	JAMES PILCHER		
Phone		Mobile	0410 723 230
Fax		Email	james.pilcher@visionary.com.au
Alternative contact			
Name	PAUL SERRA		
Phone		Mobile	0414 447 516
Fax		Email	paul.serra@visionary.com.au
Proposed other party 2 (if applicable)			
Name			
ABN			
Street address			
Address			
Town			
State		Postcode	
Mailing address (if different from above)			
Address			
Town			
State		Postcode	
Main contact			
Name			
Phone		Mobile	
Fax		Email	
Alternative contact			
Name			
Phone		Mobile	
Fax		Email	

3 Proposed land for biodiversity certification

List all parcels of land proposed for biodiversity certification. The land proposed for biodiversity certification is the land proposed for future development. A map showing the boundaries of the biodiversity certification area is also required. Sections 4 and 5 deal with the area(s) of land conservation measures will be implemented on.

If any area of the land is identified as being in a 'red flag area' (see section 2.4 of the Biodiversity Certification Assessment Methodology), biodiversity certification cannot be conferred unless the Director General has determined that the impacts on the red flag area may be offset (a 'red flag variation').

Location	
Name (if any)	The Huntley
Total area proposed for certification (hectares)	10.5
Title reference (lot and DP numbers and folio identifiers)	Lot 2 DP 549152, Lot 1 DP 229358, Lot 14 DP 3083
Is a red flag variation(s) sought in accordance with section 2.4 of the Biodiversity Certification Assessment Methodology? (See explanatory text above.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
If 'yes', explain how the criteria in section 2.4.1 of the Biodiversity Certification Assessment Methodology will be met.	<p>Demonstration of consistency with section 2.4.1 of the BCAM is provided in Section 5.2 of the 'Red flag Variation Request' of the Biodiversity Assessment Report and Biodiversity Certification Strategy (Ecoplanning 2018). In summary, the discussion focuses on the iterative process that refined the zoning boundaries to ensure the conservation significant and other higher native vegetation and habitats these support, were captured in E2 Environmental Conservation and E3 Environmental Management in the 2012 rezoning of the Huntley Colliery Precinct. Aside from the residential, recreation and environmental zonings already being in place Ecoplanning (2018) consider it cost prohibitive to undertake restoration works in the lower quality red flag vegetation which characterises the E4 zoned lands and future fragmented ownership of the E4 zoned lands will limit the likelihood of a maintain or improve biodiversity outcome.</p> <p>Red flag areas that have now been incorporated into Biobank Site ID 422 represent higher quality conservation significant vegetation and habitats (totaling 43.92 ha). The majority of red flag areas that are relied on as a conservation measure (22.22 ha), within the Biobank site, are zoned E2 Environmental Conservation.</p>
What measures are proposed to mitigate the indirect impacts of biodiversity certification on biodiversity values (required under Chapter 6 of the Biodiversity Certification Assessment Methodology)?	<p>Under Biobanking Agreement 422, management actions that mitigate indirect impacts will be required throughout the biobank site adjoining the biodiversity certified land. Further, the Biodiversity Conservation Strategy commits to future development being entirely limited to permissible development in the E4 zoned and other adjoining development zones (R2, E3 and RE2) and measures such as dual use of perimeter roads to reduce Asset Protection Zone widths, locating new infrastructure such as stormwater trunk drainage in existing easements or cleared areas, managing runoff away from the biobank site will be incorporated into the design and construction of future residential and recreational development.</p>

Note: Attach separate documents including maps.

4 Conservation measures proposed to be implemented on land within the biodiversity certification assessment area

<input type="checkbox"/> There is no land in the biodiversity certification assessment area proposed for conservation measures (go to section 5)
<input checked="" type="checkbox"/> There is land in the biodiversity certification assessment area proposed for conservation measures (specify below)

Specify the conservation measures proposed to be implemented on land in the biodiversity certification assessment area and list all parcels of land on which these conservation measures are proposed. A map showing the boundaries of the conservation measure area(s) is also required.

This form provides fields for two conservation measures. Photocopy extra pages if there are more than two conservation measures.

Conservation measure (land within assessment area) 1	
Type of conservation measure	Retirement of Biobanking ecosystem credits
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	VIG HUNTLEY P/L & VIG HUNTLEY GOLF P/L 22 603 412 540 & 20 603 412 531 James Pilcher james.pilcher@visionary.com.au 0410 723 203
Timing of implementation of conservation measure	At the time of conferral of biodiversity certification
Property name and/or street address (if any)	528 Avondale Road, Avondale NSW 2530 and 109 Avondale Colliery Rd
Number of hectares on which proposed conservation measure will apply	22.22
Title reference (lot and DP numbers and folio identifiers)	Lot 2 DP 549152 and Lot 14 DP 3083
Is a biodiversity certification agreement proposed to secure the conservation measure? If 'yes', attach a copy of the draft agreement to this form.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Conservation measure (land within assessment area) 2	
Type of conservation measure	
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	
Timing of implementation of conservation measure	
Property name and/or street address (if any)	
Number of hectares on which proposed conservation measure will apply	
Title reference (lot and DP numbers and folio identifiers)	
<p>Is a biodiversity certification agreement proposed to secure the conservation measure?</p> <p>If 'yes', attach a copy of the draft agreement to this form.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Note: If the conservation measure is a planning instrument, supply the relevant local environmental plan or development control plan, including zoning maps.

5 Conservation measures proposed to be implemented on land outside the certification assessment area (other than retirement of biodiversity credits and financial contributions)

<input type="checkbox"/> There is no land outside the biodiversity certification assessment area proposed for conservation measures (go to section 6)
<input type="checkbox"/> There is land outside the biodiversity certification assessment area proposed for conservation measures (specify below)

Specify the conservation measures proposed to be implemented on land outside the biodiversity certification assessment area and list all parcels of land on which the conservation measures are proposed. A map showing the boundaries of the conservation measure area(s) is also required.

Do not include conservation measures involving the retirement of biodiversity credits or financial contributions here as these will be dealt with in sections 6 and 7 respectively.

This form provides fields for two conservation measures. Photocopy extra pages if there are more than two conservation measures.

Conservation measure (land outside assessment area) 1	
Type of conservation measure	
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	
Timing of implementation of conservation measure	
Property name and/or street address (if any)	
Number of hectares on which proposed conservation measure will apply	
Title reference (lot and DP numbers and folio identifiers)	
Is a biodiversity certification agreement proposed to secure the conservation measure? If 'yes', attach a copy of the draft agreement to this form.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Conservation measure (land outside assessment area) 2	
Type of conservation measure	
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	
Timing of implementation of conservation measure	
Property name and/or street address (if any)	
Number of hectares on which proposed conservation measure will apply	
Title reference (lot and DP numbers and folio identifiers)	
<p>Is a biodiversity certification agreement proposed to secure the conservation measure?</p> <p>If 'yes', attach a copy of the draft agreement to this form.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

6 Biodiversity credits proposed to be (purchased and) retired as a conservation measure

There are no biodiversity credits to be retired as a conservation measure (go to section 7)

There are biodiversity credits to be retired as a conservation measure (specify below)

Specify the type of biodiversity credit and the number of credits to be retired. Specify who currently holds the credits. Photocopy extra pages if required.

Type of credit (ecosystem/species)	Name of credit	Number of credits	Current credit holder (name and ID number)	Timing of purchase/retirement of credits*
Ecosystem	SR545	237	VIG HUNTLEY P/L & VIG HUNTLEY GOLF P/L ID 552	At the time of conferral of biodiversity certification
Ecosystem	SR662	11	VIG HUNTLEY P/L & VIG HUNTLEY GOLF P/L ID 552	At the time of conferral of biodiversity certification
Ecosystem	SR568	6	VIG HUNTLEY P/L & VIG HUNTLEY GOLF P/L ID 552	At the time of conferral of biodiversity certification



Timing is determined by the Minister under section 126Y 2(b) of the *Threatened Species Conservation Act 1995*

7 Financial contribution proposed as a conservation measure and secured by a biodiversity certification agreement

<input type="checkbox"/> There is no financial contribution proposed as a conservation measure (go to section 8)
<input type="checkbox"/> There is a financial contribution proposed as a conservation measure (specify below)

List any financial contribution (other than special infrastructure contributions which are dealt with in section 8) proposed as a conservation measure.

Conservation measure (financial contribution)	
Party responsible for providing financial contribution (include name, contact details and ACN or ABN if corporation)	
Date(s) by which financial contribution is proposed to be provided	
Number and type of credits used to calculate financial contribution	
Amount of financial contribution	
Number and type of credits to which financial contribution is equivalent	
Details of conservation measures proposed to be funded by the financial contribution	
Is a biodiversity certification agreement proposed to secure the financial contribution? If 'yes', attach a copy of the draft agreement to this application.	<input type="checkbox"/> Yes <input type="checkbox"/> No

8 Special infrastructure contribution (SIC) proposed as a conservation measure

<input type="checkbox"/> There is no SIC proposed as a conservation measure (go to section 9)
<input type="checkbox"/> There is a SIC proposed as a conservation measure (specify below)

Special infrastructure contribution (SIC)	
Details of SIC area declaration and Minister for Planning and Infrastructure's SIC determination	
Amount of SIC to be dedicated to conservation measures for the purposes of biodiversity certification	
Number and type of credits to which SIC is equivalent	
Estimated timing of SIC collection into SIC Fund (including commencement of SIC collection and estimated collection rate)	
Estimated timing of SIC payments out of SIC fund for the purpose of funding conservation measures	
Details of conservation measures proposed to be funded by the SIC	

Note: Please attach evidence of support from Director-General of the Department of Planning and Infrastructure

9 Credit summary

List the type and number of all ecosystem and species credits required for the land where biodiversity certification is proposed. Against each required credit type, list the number and type of credits to be created by the proposed conservation measures which are suitable to offset that particular credit type. Photocopy extra pages if required.

Type of credit required for the land where biodiversity certification is proposed	Name of credit and details of credit profile	Number of credits required for land proposed for certification (A)	Type of credit (or equivalent \$) created by proposed conservation measure	Number of credits created by proposed conservation measure (B)	Conservation measure(s) by which credits will be created	Surplus/deficit of credits (B – A)	Biodiversity Conservation Assessment Methodology section 10 variation requested? (Yes/No)
Ecosystem	SR545	226	SR545	237	Biobanking credit	+11	No
Ecosystem	SR662	1	SR662	11	Biobanking credit	+10	No
Ecosystem	SR568	0	SR568	6	Biobanking credit	+6	No

10 Documentation required to be attached

<input type="checkbox"/> Biodiversity certification strategy
<p>The biodiversity certification strategy must detail:</p> <ul style="list-style-type: none"> <input type="checkbox"/> land proposed for biodiversity certification <input type="checkbox"/> land proposed for biodiversity conservation <input type="checkbox"/> proposed conservation measures <input type="checkbox"/> parties to the biodiversity certification <p>Both hard copies and electronic copies (on CD) of all information are required.</p>
<input type="checkbox"/> Biodiversity certification assessment report
<p>The assessment report should cover all land in the biodiversity certification area and all land proposed for conservation measures.</p> <p>Both hard copies and electronic copies (on CD) of all information are required.</p>
<input type="checkbox"/> Biodiversity certification agreement(s)
<p>Attach any draft or executed biodiversity certification agreements that relate to the conservation measures proposed in this form.</p>

11 Public notification – OEH Office Use Only

This section is to be completed after the application form has been submitted and notification requirements have been met.

Name of newspaper where notification published	
Date of publication	
Start date of notification period	
End date of notification period	
Public submission response report provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No

12 BioBanking Assessor declaration

Name	Lucas McKinnon
Accreditation number	0076
Declaration	<p>I declare that all information supplied in relation to the biodiversity certification assessment complies with the Biodiversity Certification Assessment Methodology and, where applicable, the BioBanking Assessment Methodology.</p> <p>I understand that I am personally accountable for the validity of all data collected and analysis performed and that I have adequately supervised all support team members for this assessment.</p> <p>I have undertaken this assessment within the terms of my accreditation as a BioBanking Assessor and have adhered to the BioBanking Assessor code of conduct.</p>
Signature	

13 Consent of other proposed parties

Photocopy extra pages if there are more than three other proposed parties

Name	JAMES PILCHER
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.
Signature	



Name	
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.
Signature	

Name	
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.
Signature	

14 Signature(s) of the planning authority(s)

This application should be signed by the legal representative(s) of the planning authority or authorities). The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

Planning authority	Application is signed and certified by
<input checked="" type="checkbox"/> A local council	<input type="checkbox"/> The general manager (or delegate) in accordance with s.377 of the <i>Local Government Act 1993</i> (LG Act), or <input type="checkbox"/> The seal of the council being affixed in a manner authorised under the LG Act
<input type="checkbox"/> Minister for Planning	<input type="checkbox"/> Minister for Planning and Infrastructure, or <input type="checkbox"/> Delegate of the Minister for Planning and Infrastructure
<input type="checkbox"/> Director-General of the Department of Planning and Infrastructure	<input type="checkbox"/> Director-General of the Department of Planning and Infrastructure, or <input type="checkbox"/> Delegate of the Director-General of the Department of Planning and Infrastructure
<input type="checkbox"/> Other (specify)	

I/we:

- apply to the Minister administering the *Threatened Species Conservation Act 1995* for biodiversity certification of land identified in section 3 of this form, and
- include particulars of the biodiversity certification strategy, and
- declare that the information in this biodiversity certification application (including any attachments) is not false or misleading in any material particular.

Photocopy extra pages if there are more than four signatories.

Signature		Signature	
Name		Name	
Position		Position	
Date		Date	

Signature		Signature	
Name		Name	
Position		Position	
Date		Date	

Affix common seal (if signing under seal)

15 Lodging the application

Once completed and signed, send the application with all supporting documentation to:

Minister for the Environment
c/- the Chief Executive, Office of Environment and Heritage
PO Box A290
SYDNEY SOUTH NSW 1232.

Published by:
Office of Environment and Heritage
Department of Premier and Cabinet
59–61 Goulburn Street, Sydney
PO Box A290, Sydney South 1232
Phone: (02) 9995 5000 (switchboard)
Phone: 131 555 (environment information and publications requests)
TTY: (02) 9211 4723
Fax: (02) 9995 5999
Email: info@environment.nsw.gov.au
Website: www.environment.nsw.gov.au

OEH 2012/0044
January 2012

ITEM 2 WEST DAPTO DEVELOPMENT CONTRIBUTIONS PLAN (2017) - MINOR AMENDMENT

The West Dapto Section 94 Development Contributions Plan 2017 (the Plan) came into force on 18 December 2017 following review by the Independent Pricing and Regulatory Tribunal of New South Wales (IPART) and approval from the Department of Planning and Environment.

Some minor amendments to the Plan are required as a consequence of the likely commencement of the Low Rise Medium Density Housing Code and amendments to the *Environmental Planning and Assessment Act 1979*. These amendments will ensure that Plan is applied to Development Applications and Complying Development Certificates in the same manner. These amendments are separate to the broader review of the Plan, the preparation of a new draft Plan (2020 Plan), scheduled to be reported to Council in June, exhibited and then reviewed by IPART. It is also recommended that Council seek a further 12 month deferral of the commencement of the Low Rise Medium Density Code to facilitate the amendments to the Contribution Plan and Council's consideration of the Housing Study – Options Paper.

RECOMMENDATION

- 1 The West Dapto Section 94 Development Contributions Plan (2017) be amended by:
 - a Update the wording to make it explicit that the Plan applies to Development Applications and Complying Development Certificates (CDCs) in the same manner;
 - b Update legislative references, to reflect the amended *Environmental Planning and Assessment Act 1979*;
 - c Rename the Plan to the West Dapto Development Contributions Plan (2017).
- 2 The amended draft West Dapto Development Contributions Plan (2017) be exhibited for a minimum period of 28 days.
- 3 A letter be sent to the Minister for Planning and Public Spaces requesting a further 12 month deferral of the Low Rise Medium Density Code to enable Council to amend the West Dapto Development Contributions Plan (2017) and consider and exhibit the Wollongong Housing Study Options Paper.

REPORT AUTHORISATIONS

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

ATTACHMENTS

- 1 Draft West Dapto Development Contributions Plan (2017) – Amendment 1

BACKGROUND

West Dapto Development Contributions Plan

The West Dapto Section 94 Development Contributions Plan commenced on 23 December 2010 and was updated in 2011 and 2015. This Plan is a key document for the West Dapto Urban Release Area as it provides the mechanism to collect development contributions to fund the local infrastructure required to support new development in the future communities.

On 30 November 2015, Council resolved to exhibit a new draft Plan that more accurately captures the cost of local infrastructure in West Dapto that surpasses the current state imposed \$30,000 per dwelling cap, and submit the Plan to the Independent Pricing and Regulatory Tribunal (IPART). The draft Plan was exhibited from 9 December 2015 to 10 February 2016 and submitted to IPART on 29 February 2016. On 11 October 2016, IPART published their assessment. The Draft West Dapto Section 94 Development Contributions Plan was modified in response to IPART's findings and reported back to

Council on 3 April 2017. The Council report outlined the findings of IPART's assessment and the impact of their recommendations on the draft Plan and the changes made by Council staff in line with those recommendations.

On 6 April 2017, the updated draft West Dapto Section 94 Development Contributions Plan 2017 was forwarded to the Minister for Planning and the Secretary of NSW Department of Planning & Environment for consideration.

On 24 November 2017, Council received advice from the NSW Department of Planning & Environment that the West Dapto Section 94 Development Contributions Plan (2017) could be adopted and confirming how the future funding shortfall would be met.

On 11 December 2017, Council adopted the Plan (2017) and it came into force on 18 December 2017.

Low Rise Medium Density Code

The State Environmental Planning Policy (Exempt and Complying Development) 2008 (Codes SEPP) was introduced in 2009 and details the State policy for Exempt and Complying development.

In November 2015, the NSW Department of Planning and Environment exhibited a Discussion Paper "*Expanding complying development to include low-rise medium density housing types*". The discussion paper outlined the Government's aim to provide more housing, and housing choice to address future housing needs. The discussion paper outlined that it was proposed to amend the Codes SEPP to include low-rise medium density development, including:

- Dual occupancies (2 dwellings on a single lot);
- Manor homes (3 or 4 dwellings in a single building on a lot);
- Townhouses and terraces (3-10 dwellings on a lot).

In March 2016, Council officers submitted a submission advising the Department that:

- The scale of development proposed, being medium density housing up to 10 dwellings, is considered well beyond the scope of "low risk/low impact" development which was intended for the Complying Development pathway.
- Private Certifiers, through the Complying Development process, do not operate equivalent systems to Councils to engage, inform, communicate and explain decisions with third parties. Removing these layers of scrutiny and transparency from the decision making process for medium density projects will be at odds with the expectations of neighbouring residents and communities and may undermine the credibility of Complying Development provisions in NSW.
- The Discussion Paper does not detail why these forms of development would be better addressed as Complying Development. There is no supporting evidence that Councils are taking too long to assess these forms of development. Indeed, as development size and complexity increases, so does the need for a comprehensive assessment.
- Comments on various design standards.

In October 2016, the Department published the *Explanation of Intended Effects – proposed Medium Density Code and draft Medium Density Design Guide*, to progress the options outlined in the discussion paper.

On 12 December 2016, Council considered a report on the draft Code and resolved that:

The draft submission on the Draft Medium Density Housing Code and Medium Density Design Guide be endorsed for finalisation by the General Manager and provided to the State Government.

The submission outlined similar concerns to those provided on the Discussion Paper.

The Low Rise Medium Density Housing Code commenced on 6 July 2018. The commencement of the Code was deferred in Wollongong and 49 other Local Government Areas for 12 months until 1 July 2019. The Minister of Planning subsequently granted Ryde Council an additional 12 month deferral to 1 July 2020, based on the advice of the Greater Sydney Commission.

The Code permits

- Dual occupancies (2 dwellings on a single lot, either side by side or one above the other);
- Manor homes (3 or 4 dwellings in a single building on a lot);
- Townhouses and terraces (3-10 dwellings on a lot).

The Code enables development proposals to be assessed by Council officers or a Private Certifier based on the requirements in the Low Rise Medium Density Housing Code and Low Rise Medium Density Design Guide. Applications will not be assessed under the Wollongong Local Environmental Plan 2009 (apart from the requirement that the use is permitted in the zone) or the Wollongong Development Control Plan 2009.

PROPOSAL

On 1 July 2019, the State Environmental Planning Policy – Exempt and Complying Codes – Low Rise Medium Density Code is expected to commence in the Wollongong LGA. The Code will permit Private Certifiers to assess and approve Complying Development Certificates (CDCs) for Dual Occupancy, Terrace Houses and Manor Homes developments. These developments can also incorporate the subdivision of land.

The West Dapto Development Contributions Plan (2017) was prepared before the draft Code was exhibited and does not provide for Private Certifiers assessing and approving more complex forms of development, and therefore include conditions of development consent for the payment of development contributions.

To ensure that development contributions can be collected, it is necessary to make minor amendments to the current West Dapto Development Contributions Plan (2017).

The minor amendments are:

- Update the Plan wording in clauses 2.4, 2.5, 2.13, 2.16, and 2.18 to make it explicit that the Plan applies to Development Applications and Complying Development Certificates (CDCs) in the same manner;
- Update legislative references in accordance the amended *Environmental Planning and Assessment Act 1979*. This mainly involves changing the references from Section 94 to Section 7.11.
- The reference to Section 94 be removed from the name of the Plan, and the Plan be called the West Dapto Development Contributions Plan (2017)

The proposed amendments are highlighted in Attachment 1.

This report does not propose any amendments to the contribution rates, or work schedules, which will be considered as part of the future report on the draft Review Plan (2020). The proposed amendments are separate to the two year review of the West Dapto Contributions Plan, required by IPART and the NSW Department of Planning and Environment. The report on the draft Review Plan (2020) is scheduled to be reported to Council on 24 June 2019. The Plan is then required to be exhibited and reported to IPART for review. It may be six to nine months before the draft Review Plan (2020) is able to be adopted and come into force. This creates a potential exposure for the loss of development contributions associated with Low Rise Medium Density Development over this period. The draft Review Plan (2020) includes provisions relating to Complying Development Certificates and Private Certification of development.

The implications of the introduction of the Low Rise Medium Density Code are being assessed through the Housing Study project which is subject to a separate report to Council scheduled to be reported to Council on 22 July 2019. It is recommended that Council request a further twelve month deferral of the commencement of the Code to allow the West Dapto Development Contributions Plan (2017) to be amended, and to finalise and exhibit the Housing Study – Options Paper, receive community feedback and finalise the Housing Strategy.

PLANNING AND POLICY IMPACT

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

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
2.1.5 West Dapto urban growth is effectively managed to balance employment and population growth	2.1.5.1 Continued to implement the infrastructure Delivery Program to support the West Dapto Urban Release Area	Continue to implement the Infrastructure Delivery Program to support the West Dapto Urban Release Area

FINANCIAL IMPLICATIONS

If the current West Dapto Development Contributions Plan (2017) is not amended there is the potential shortfall of \$49,332.69 per Low Rise Medium Density dwelling in Development Contributions, until the commencement of the new draft Review Plan in 2020. The per dwelling contribution shortfall seems minor, however when multiplied it could be significant. For example, if 10 dual occupancies are approved on 10 existing lots, there is a potential shortfall of \$493,326.90.

CONCLUSION

It is recommended that Council endorse minor amendments to the West Dapto Section 94 Development Contributions Plan (2017) as a consequence of the likely commencement of the Low Rise Medium Density Housing Code and amendments to the *Environmental Planning and Assessment Act 1979*. These amendments are separate to the broader review of the Plan, the preparation of a new draft Plan (2020 Plan), scheduled to be reported to Council in June, exhibited and then reviewed by IPART.

It is also recommended that a further 12 month deferral is sought to the commencement of the Low Rise Medium Density Code to facilitate the amendments to the Contribution Plan and allow consideration of the Housing Study – Options Paper.



WOLLONGONG CITY COUNCIL

WEST DAPTO DEVELOPMENT CONTRIBUTIONS PLAN

2017

WCC01513729-JL

DRAFT West Dapto Development Contributions Plan (2017) Amendment 1



**WEST DAPTO RELEASE AREA
 DEVELOPMENT CONTRIBUTIONS PLAN (2017)
 WOLLONGONG CITY COUNCIL**

Document Control						
Document ID: West Dapto Section 7.11 Plan						
Rev No	Date	Revision Details	Typist	Author	Verifier	Approver
1	Apr 2010	Draft for exhibition	DG	DG	DG	DG
2	Oct 2010	2 nd Draft for exhibition	DH	DH	DG	DG
3	Dec 2010	In force (2010 version)	DH	DH	DG	DG
4	Aug 2011	Draft for exhibition (2011 version)	DH	DH	DG	DG
6	Dec 2011	In force (2011 version)	DH	DH	DG	DG
7	May 2015	Draft for exhibition (2015 version)	DG	DG	DG	DG
8	26 Oct 2015	In force (2015 version)	JP	MH	MH	DG
9	Nov 2015	Draft for Exhibition	EB	EB		
10	Mar 2017	Post IPART for reporting and DPE	EB/ES	EB/ES	DG	Council
11	Nov 2017	Post DPE, In force (2017 version)	EB/ES	EB/ES	DF	DF
12	May 2019	Draft for Exhibition (2017 Amendment 1)	MB	MB	DF	Council

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Part 1 – Summary Schedules

This Plan is the West Dapto Release Area Development Contributions Plan (2017).

The contributions received from this Plan will provide for active and passive open space pedestrian/cycle links, parks, playgrounds, roads, bridges, stormwater management drainage and administration costs.

The open space, road works and stormwater management to be provided will contribute toward satisfying the needs of the incoming population of the West Dapto Urban Release Area. The net developable area of the plan is 1981 hectares of residential land including 180 hectares of industrial land. The expected population is 57,433 persons and approximately 19,794 dwellings.

The cost of required open space, road works, stormwater management drainage and administration tasks are summarised below.

Table: 1.1 Work Schedule: Cost Per Category (base cost)

Community & Recreation	Amount \$
Land	\$45,452,750
Works	\$27,815,683
Sub Total	\$73,268,433

Transport & Traffic	Amount \$
Land	\$29,634,062
Works	\$723,592,648
Sub Total	\$753,226,710

Stormwater Management	Amount \$
Land	\$29,813,648
Works	\$80,442,733
Sub Total	\$110,256,381

Administration	Amount \$
Sub Total	\$14,051,273

Development Timetable

It is anticipated that the expenditure will occur on a pro-rata basis over the life of the development for the West Dapto release area.

Table 1.2 Development Timetable

Years	% of Development
2010-2019	9.18%
2020-2029	19.45%
2030-2039	29.00%
2040-2049	30.52%
2050-2059	9.89%
2060-2069	1.97%

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Contribution Summary

The following tables 1.3, 1.4, 1.5 and 1.6 demonstrate the breakdown of contributions into rates. Although there are a number of ways to distribute the costs, the West Dapto Section 7.11 Contributions for residential development will be collected on a per-dwelling or per-lot basis and for all non-residential uses, a per hectare rate will be applied.

The transport, stormwater management and administration costs are apportioned in this Plan to residential, commercial and industrial development based on the percentage of the total developable area within each land use area. The community facilities and open space costs are 100% apportioned to residential development. Although commercial development represents 0.33% of the total developable area and Industrial represents 9.11% of the total developable area, the percentage of costs is lower due to the open space and community facilities costs only being recovered from residential development.

Table 1.3 - Contribution by Category – Per Person (Residential Development)

Facility Type	Contribution per person
Community & Recreation - Land	\$788.21
Community & Recreation - Capital	\$482.36
Transport - Land	\$465.41
Transport - Capital	\$11,364.17
Stormwater Management - Land	\$468.23
Stormwater Management - Capital	\$1,263.37
Administration	\$220.68
Total	\$15,052.42

Table 1.4 - Contribution Rate: Residential, Commercial and Industrial Development

Zoning	Contribution per Hectare
Residential	
R3 Medium Density	\$1,240,932
R2 Low Density	\$611,290
R5 Large Lot Residential	\$240,839
RU2 Rural Landscape	\$8,128
E3 Environmental Management	\$3,131
E4 Environmental Living	\$123,384
B2 Local Centre	\$583,962
B1 Neighbourhood Centre	\$383,837
B4 Mixed Use	\$1,535,347
Commercial	
B2 Local Centre	\$440,948
B1 Neighbourhood Centre	\$440,948
B4 Mixed Use	\$440,948
Industrial	
IN3 Heavy Industry	\$440,948
IN2 Light Industry	\$440,948

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Table 1.5 - Contribution by Development Type (Residential Development)

Development Type	Contribution per Dwelling or Lot	Average Occupancy Rate
Subdivision, Dwelling House, Dual Occupancies	\$48,167.74	3.2
Multi-Unit Housing 4+ Bedrooms	\$43,652.02	2.9
Multi-Unit Housing 3 Bedrooms	\$37,631.05	2.5
Multi-Unit Housing 2 Bedrooms	\$33,115.32	2.2
Multi-Unit Housing 1 Bedrooms	\$25,589.11	1.7

Note: Multi-Unit Housing means residential development involving the construction of 3 or more dwellings (whether attached or detached) on one or more lots of land including but not limited to multi-dwelling housing, shop top housing, seniors housing and secondary dwellings.

Table 1.6 - Contribution Rate: Crown Development Educational Establishments

Crown Development	Contribution per Hectare
Crown Development (Schools)	\$55,647.17*

*The rate is based on the per Hectare contribution rate required for stormwater management consistent with the Department of Planning and Environment Circular No.D6 – Crown Development Applications and Conditions of Consent

Part 2 – Administration and Operation of the Plan

2. INTRODUCTION

2.1. What is a Development Contribution?

Development contributions are contributions made for the purpose of public amenities and services required because of development and are paid by those undertaking development.

Section 7.11 of the Environmental Planning and Assessment Act 1979 (EP&A Act) enables Councils to seek contributions from developers where development is likely to increase the demand for public facilities. These are levied at the time of development consent.

The EP&A Act establishes that a Council can only require a Section 7.11 contribution if:

- The development will or is likely to require the provision or increase the demand for public amenities and services within the area;
- There is an adopted contributions plan; and
- The contribution is reasonable.

The contribution can either be:

- Land dedication;
- Monetary contribution for the cost of works or facilities to be provided in the future;
- Monetary contribution for the cost of works or facilities already provided in anticipation of development;
- Material public benefit (works in kind); or
- A combination of the above.

The ability to levy and recoup costs for the provision of public amenities and services is critical in the West Dapto Urban Release Area as the land is being transitioned from rural to residential. West Dapto will support a population of approximately 57,433 and the levy system will significantly reduce the financial burden on Council and existing residents.

It is therefore important that the contributions levied are reasonable and are a direct consequence of the development. These contributions are therefore limited to the essential works and facilities considered necessary by Council and IPART in accordance with the IPART benchmarks.

2.2. What is the Name of this Plan?

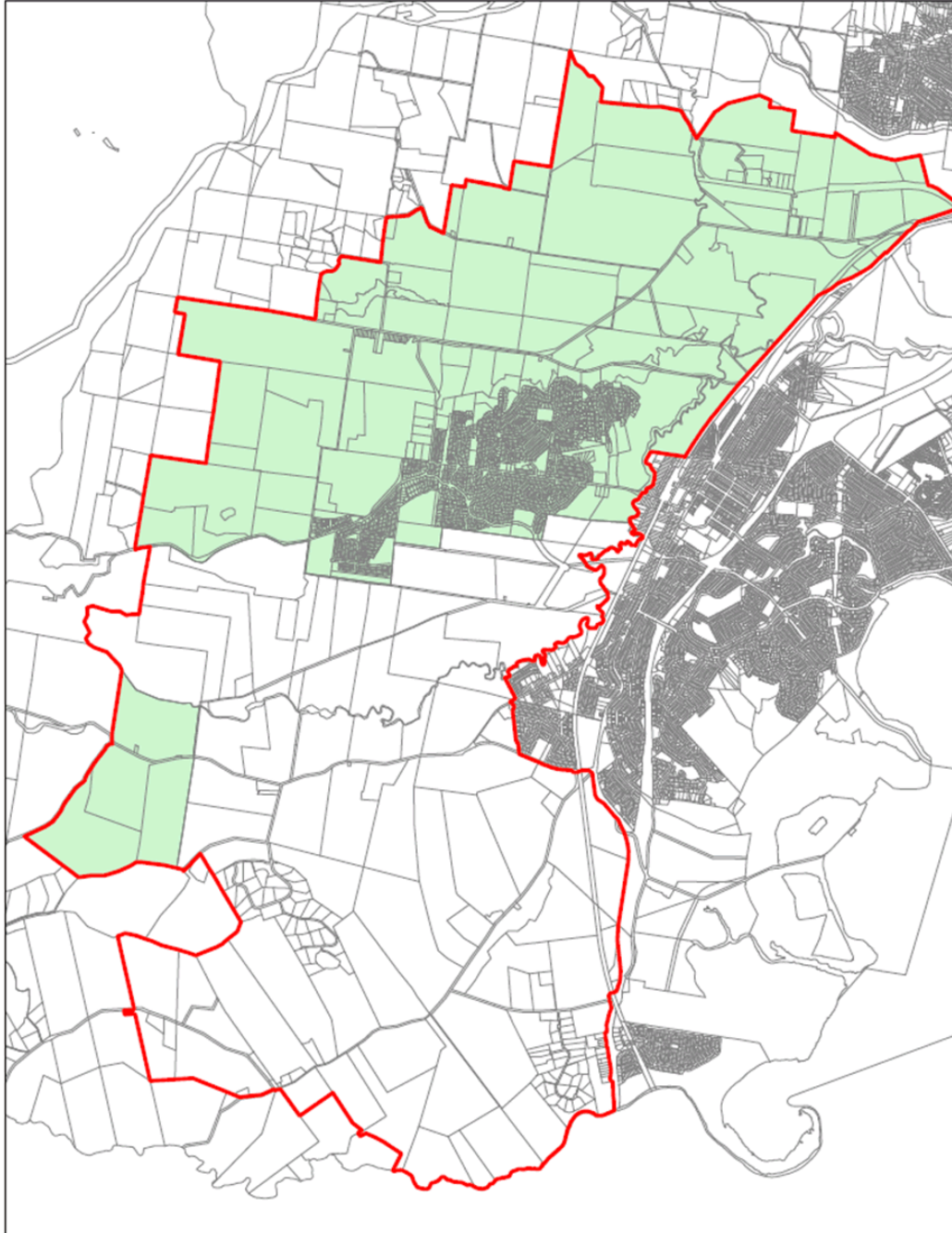
This Contribution Plan is called West Dapto Development Contribution Plan 2017.



2.3. Where does this Plan Apply

The plan applies to all land with West Dapto Release Area as identified in [Figure 1](#).

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Figure 1. Where this Plan Applies



		WEST DAPTO RELEASE AREA SECTION 94 AREA		<small>While every effort has been made, to ensure the highest possible quality of data, no liability will be accepted for the inaccuracy of the information shown.</small>	
		 Land to which Plan Applies	 Zoned Land		<small>CONSULTATION PLANNED November 2018</small>
<small>SCALE 1:34000 @ A3</small>				<small>APPROVED BY COUNCIL November 2018</small>	<small>COUNCIL FILE NO. SUD2183</small>
				<small>MAP PRINTED November 2018</small>	<small>MAP 1 OF 3 MAPS</small>

DRAFT West Dapto Development Contributions Plan (2017) Amendment 1

2.4. What is the Purpose of this Plan?

The purpose of the Plan is to:

- a. Authorise Council **or an accredited certifier** to impose conditions under Section **7.11** of the EP&A Act for a contribution to the provision, extension or augmentation of public amenities and services, when granting consent to development on land to which this Plan applies.
- b. Outline the anticipated demand for public facilities and servicing as a result of new development in West Dapto.
- c. Provide a framework for the efficient and equitable determination, collection and management of development contributions.
- d. Ensure that development makes a reasonable contribution towards the provision of services and facilities.
- e. Ensure existing community is not burdened by the provision of amenities and public services required as a result of future development.
- f. Ensure Council's management of development contributions complies with relevant legislation and guidelines.

2.5. Application of This Plan

This Plan applies to all development applications, complying development certificates or other applications determined under the EP&A Act on land to which this Plan applies.

~~When a development application is lodged and relates to land to which this plan applies, Council shall levy contributions on development in accordance with the provisions of this Plan.~~

~~A Contributions Plan becomes part of the development control process under the EP&A Act by virtue of Sections 80A and 94. The provisions of this plan are one of a number of considerations that are relevant when Council determines a development application in accordance with Section 80 of the Act.~~

2.6. Development to which this Plan Applies

The following types of development are required to make a contribution:

- Subdivision for residential purposes; construction of a dwelling, a dual occupancy, multiple dwelling housing, multi-unit housing, seniors housing or any other dwellings; and
- Development of Industrial land, including subdivisions, and other industrial or commercial development.

2.7. Commencement of the Plan

This development contributions plan has been prepared pursuant to the provisions of Section **7.11 94** of the EP&A Act and Part 4 of the EP&A Regulation 2000 and takes effect from the date on which public notice was published, pursuant to clause 31(4) of the EP&A Regulation.

2.8. Relationship to Other Plans and Policies

This plan repeals the following **development section 94/94A** contributions plans applying in that part of the Wollongong local government area as referred to in section 2.3:

- West Dapto Release Area Section 94 Development Contributions Plan (2015) – this plan repealed the following plan:
- West Dapto Release Area Section 94 Development Contributions Plan (2011) – this plan repealed the following plan:
- West Dapto Release Area Section 94 Development Contributions Plan (2010) – this plan repealed the following plan:

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- Wollongong Section 94A Contributions Plan (2010 version) – this plan repealed the following plan:
- Horsley Section 94 Contributions Plan.

Any other contributions plan approved by Council (and in force under Division 6 or Part 4 of the EP&A Act at the time this Plan commenced) does not apply to development that is subject to a requirement to pay a contribution under this Section **7.11** 94 Plan.

2.9. Relationship to Special Infrastructure Contribution

This Plan does not affect the determination, collection or administration of any special infrastructure contribution levied under section **7.24** ~~94EF~~ of the EP&A Act in respect to development on land to which this Plan applies.

Applicants should refer to details of Special Infrastructure Contributions issued by the Department of Planning in relation to the West Dapto release area.

DEVELOPER CONTRIBUTIONS

2.10. Policies and Procedures on the Levying and Payment of Contributions

The following sections describe the policies and procedures involved in levying and payment of developer contributions under this plan including method/timing of payment, planning agreements, deferred/periodic payment, obligations of accredited certifier with respect to construction certificates/complying development, savings and transitional provisions, credits/offsets for works-in kind, calculation of contributions rates and the review and monitoring process of the plan.

2.11. Method of Payment

Council will accept Section **7.11** payments in one or a combination of the following methods:

Monetary Contribution:

This is the most common method. However it can be offset by providing a material public benefit as identified in the Contributions Plan.

Material Public Benefit (Works-in-Kind):

Where an applicant makes a request and Council in its absolute discretion determines that it is appropriate, an applicant may provide a material public benefit (commonly referred to as works-in-kind) in part, or full, satisfaction of a monetary contribution.

Any request must demonstrate that the works in kind are of equivalent or greater benefit to the community compared to what has been identified under this Contributions Plan. The proposed works in kind offset must be included in the conditions of consent or a S96 modification of the consent, to reflect the proposed offset.

The works must be included in the works schedule as set out in Section 4. The cost of the work will be offset against the contribution required for the same facility category only.

The amount of the offset will be as agreed by Council and will not exceed the cost allocation for the works included in the Contributions Plan.

In assessing such a request, Council will generally take into account the following:

- whether the proposed work in kind will be to a suitable standard for Council to eventually accept;
- finalisation of, or consistency with, the detailed design of the facilities;
- the submission of plans and cost estimates to Council of the proposed works to be undertaken by the applicant;

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- whether the location, siting and design of the proposed works has regard to the Development Control Plan that applies to the West Dapto Urban Release Area and this Contributions Plan;
- the timing of completion and future recurrent costs including staffing and maintenance and future management (particularly if work to a higher standard is proposed);
- Council may consider works to a higher standard than the Contributions Plan allowance, however no reimbursement of additional costs will be provided;
- the financial implications for cash flow and whether the proposed works pre-empt the future orderly implementation of works as identified in the works schedule; and
- future dedication, handover and management arrangements.

All agreements will include, but not limited to, the following:

- the works to be undertaken;
- the timing of the works;
- the quality of the works;
- the cost of the works;
- the applicant's rights and responsibilities; and
- Council's rights and responsibilities.

Dedication of Land:

Council may accept the dedication of land (identified for public purposes under this plan) to offset the required monetary contribution. The value of land will be negotiated between the applicant and Council, and any monetary contributions payable will be reduced by the value of the land formally agreed upon. An appropriate condition will be included in any consent applying to land identified for public purposes to ensure that the land is transferred to Council at no cost.

Value of Works:

The value of works will be determined utilising the following method:

- a. Any Credit will be calculated based on the actual cost of works or the agreed cost estimate, whichever is the lesser. The agreed cost estimate will be determined by a review of the costs submitted by the applicant via Council's Infrastructure Team or a Registered Quantity Surveyor at Council's discretion;
- b. The agreed cost estimate can be amended by submission of a variation request by the applicant which will be reviewed and certified by a registered Quantity Surveyor;
- c. The actual cost of works is required to be evidenced and verified by a registered Quantity Surveyor;
- d. The Quantity Surveyor to act on the project will be chosen by Council from a list of 3 recommended by the applicant all of whom are to be members of Panels for The NSW Department of Commerce or Local Government Procurement; and
- e. Quantity Surveyor service costs are to be borne by the applicant.

Value of Land:

Developers of land to which this Plan applies will be required to provide either:

- sufficient, usable and (where appropriate) embellished land for the particular facilities identified in this Plan to meet the needs of the population attributable to the proposed development; or, alternatively
- an equivalent monetary contribution to Council for the acquisition and embellishment of land for the particular facilities identified in this Plan.

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Council will, wherever appropriate, require developers to dedicate land free of cost for the facilities identified in this Plan. Where the development does not, or cannot provide the full land area required as a contribution the shortfall will be required as a monetary contribution. The contribution rates included in this Plan reflect the monetary contribution required where land is not dedicated free of cost.

Where the contribution required is by way of dedication free of cost, the land:

- is to have an associated draft plan of management prepared in accordance with Part 2, Division 2 of the Local Government Act 1993 and Part 4, Division 2 of the Local Government (General) Regulation 2005 and prepared at full cost to the developer (This applies only where the dedication relates to the provision of community or open space and recreation facilities); and
- The value is determined in accordance with either section 2.13, the Land Acquisition (Just Terms Compensation) Act 1991 or if listed for sale on the open market potentially by way of negotiation in accordance with Councils obligations and policies. This will be offset against monetary contributions required under this Plan.

2.12. Planning Agreements

In accordance with Section ~~93F(1)~~ 7.4(1) of the EP&A Act, a planning agreement is a voluntary agreement or arrangement between a planning authority and a developer under which the developer agrees to make contributions towards a public purpose. A planning agreement may wholly or partly exclude the application of Section 7.11 94 to the development that is subject of the agreement.

This offer may include a monetary contribution, dedication of land, the carrying out of works, or another material public benefit for public purposes. Those purposes need not wholly relate to the impacts of the applicant's development but need to be consistent with the items listed in Section 4.

The provisions of Sections ~~93F to 93L~~ 7.4 to 7.10 of the EP& A Act and accompanying Regulation prescribe the contents, form, subject matter and procedures for making planning agreements.

Any person seeking to enter into a planning agreement should refer to Council's policy on Planning Agreements and in the first instance submit a proposal in writing to Council, documenting the planning benefits and how the proposal would address the demands created by development for new public infrastructure, amenities and services. The submission may include a copy of the draft agreement.

Public purposes are defined in the EP&A Act as (without limitation) the provision or recoupment of the cost for providing:

- public amenities or public services;
- affordable housing;
- affordable housing or transport or other infrastructure;
- transport or other infrastructure relating to land;
- funding of recurrent expenditure relating to the provision of public amenities or public services;
- monitoring of the planning impacts of development; and
- conservation or enhancement of the natural environment.

2.13. When must a Contribution be paid?

A contribution must be paid to the Council at the time specified in the condition that imposes the contribution. It would be outlined as a condition to a development consent, complying

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development certificate, subdivision certificate or construction certificate. If no such time is specified, the contribution must be paid prior to the issue of a subdivision certificate, construction certificate or **before any building or subdivision work authorised by a** complying development certificate **commences**.

2.14. Deferred or Periodic Payment

Council will only permit deferred or periodic payment where development is staged and only with approval of the Council Officer(s) whose position(s) holds the required Council delegations.

The stages of development and relevant contribution payment for each stage must be clearly documented in the conditions of consent. In this regard a Section **4.55** modification of consent is required if proposed staging of development is not reflected in the original consent.

For development which is staged, Section **7.11** contributions must be paid at the rate applicable at the time of subdivision or construction certificate, for at least the number of additional lots/dwellings for which subdivision or construction certificate release is sought.

For each stage, the calculation of the number of lots/dwellings for which contributions are payable will count any residue lot as a single lot.

The circumstances for deferred or periodic payments are as follows:

- Compliance with the provisions is unreasonable or unnecessary in the circumstances of the case.
- Deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program.
- Where the applicant intends to make a contribution by way of a planning agreement, works in kind or land dedication in lieu of a cash contribution, and Council and the applicant have a legally binding agreement for the provision of the works or land dedication.
- There are circumstances justifying the deferred or periodic payment of the contribution.

If Council does accept a deferred or periodic payment Council may require the applicant to provide a bank guarantee by a bank for the full amount of the contribution or the outstanding balance. The conditions for deferred or periodic payment and the requirements of the bank guarantee will be set in the conditions of consent.

2.15. Construction certificates and the obligation of accredited certifiers

In accordance with Section **94EC 7.21** of the EP&A Act and clause 146 of the EP&A Regulation 2000, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides receipts confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 142(2) of the EP&A Regulation 2000. Failure to follow this procedure may render such a certificate invalid.

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

2.16. Complying development and the obligation of accredited certifiers

In accordance with Section **94EC 7.21** of the EP&A Act and Part 7, Division 2A of EP&A Regulations 2000, accredited certifiers must impose a condition requiring monetary contributions in

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accordance with this Contributions Plan for any development to which a contribution under this plan applies (see clause 2.6), the following development types:

- Dwelling houses on an allotment where no previous contribution under Section 94 has been made.

The conditions imposed must be consistent with Council's standard Section 7.11 94 consent conditions and be strictly in accordance with this Contributions Plan. It is the professional responsibility of the accredited certifiers to accurately calculate the contribution and to apply the Section 7.11 94 condition correctly. To assist, indexed contribution rates are available from Council's website and further information on how to calculate and condition contributions is available from council staff.

In accordance with clause 27(1A) of the EP&A Regulation, the certifier must ensure that the contribution has been fully paid before any building or subdivision work authorised by the certificate commences and receipt(s) confirming full payment submitted to Council with the complying development certificate.

2.17. Credit and Offsets for Works in Kind

There may be cases where an applicant carries out works in kind, which are included in the Schedule of Works in this Contributions Plan but the cost of which exceeds the contribution required for that facility category. In these situations the applicant will be reimbursed for the cost of the works that:

- exceed the contribution due within that facility category, and
- have been approved by Council as being consistent with the contributions plan.

2.18. Credit for Existing Development

Council will determine Any applicable credit(s) will be based on the number & type of lawful existing development i.e. Residential Lot or Dwelling and Industrial Land area.

2.19. Savings and Transitional Arrangements

A development application or complying development certificate, which has been submitted prior to the adoption of this plan but not determined, shall be determined in accordance with the provisions of the plan which applied at the date of determination of the application.

2.20. Pooling of Contributions

This plan authorises monetary Section 94-7.11 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of levies are shown in the works schedule.

2.21. Exemptions

The only exemptions allowed are:

- a. Those that are subject to a Direction from the Minister for Planning under Section 7.17 94E of the EP&A Act 1979;
- b. An application by or on behalf of the Council for community infrastructure, such as but not limited to libraries, community facilities, child care facilities, recreational areas, recreational facilities or car parks;
- c. An application by, or on behalf of, the NSW Government for public infrastructure, such as but not limited to hospitals, police stations, fire stations, educational facilities and public transport infrastructure, if supported by a comprehensive submission; and

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- d. Any other development for which Council considers an exemption is warranted, where the decision is made by formal ratification of the Council at a Council meeting, if supported by a comprehensive submission.

For an exemption to be considered where a comprehensive submission is required, any such development will need to submit a comprehensive submission to justify the exemption and providing a case for the exemption by including, but not limited to, the following information:

- Justification for the exemption;
- The mechanism ensuring that such development will remain in the form proposed in the future (ie not to increase future demand on public amenities and services), note: where a further development application or application for complying development under the EP&A Act is required for any changes to the development no mechanism is required. However, if a change of use is available by way of exempt development then the requirements for a mechanism remains;
- Part exemption is also available for Crown Development Educational Establishments in accordance with Department of Planning and Environment Circular No. D6 – Crown Development Applications and Conditions of Consent. Detail of the part exemption is provided at Table 1.6;
- Other items if applicable:
 - How the Development will incorporate the maintenance of the item of heritage significance;
 - How the development will contribute to the public benefit of the community;
 - Works in the public domain included in the development; and
 - How the residents/users will utilise existing private facilities attached to the development that replicate those types provided by Council.

Exemptions (part or full) as outlined above will only to be granted with the approval of the Council Officer(s) whose position(s) holds the required Council delegations.

2.22. Calculation of Contributions

2.22.1. Contribution Formula

West Dapto covers a large area and is anticipated to be developed over a long period of time. It is extremely difficult for Council to accurately determine the staging and provision of infrastructure over such a large area with potential multiple development fronts. This uncertainty makes it difficult to assign inflation and discounting rates to specific infrastructure items. Therefore, Council will be utilising the traditional 'nominal' dollar value approach for the West Dapto release area Section 94 **Development Contributions** Plan.

2.22.2. Land Acquisition Index

Contribution rates for land acquisition will be indexed based on the average of the annual percentage change in the Established House Price Index for Sydney, published by the Australian Bureau of Statistics.

Land specifically identified within the Plan for infrastructure and facility requirements that have already been acquired by Council will be indexed quarterly in accordance with the Consumer Price Index – All groups Sydney (CPI). This index is published by the Australian Bureau of Statistics on a quarterly basis.

2.22.3. Capital Expenditure and Administrative Cost Index

Contribution rates for capital expenditure and administrative costs will be indexed quarterly in accordance with the Producer Price Index (PPI). This index is published by the Australian Bureau of Statistics on a quarterly basis.

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Contributions towards transport and stormwater costs will be indexed in accordance with PPI (Road and Bridge Construction). Contributions towards open space costs will be indexed in accordance with PPI (Non Building Construction).

The method of indexing the contribution rates is to multiply the base contribution rate by the most recently published PPI at the time of payment.

2.22.4. Formula

2.22.4.1. Contribution rates for all Capital Expenditure, Land already acquired and Administrative Costs

For changes to the ABS PPI (Road and Bridge Construction), the contribution rates within the Plan will be reviewed on a quarterly basis in accordance with the following formula:

$$\$C_A + \frac{\$C_A \times ((\text{Current Index} - \text{Base Index}))}{[\text{Base Index}]}$$

where:

- $\$C_A$ is the contribution at the time of adoption of the plan expressed in dollars
- Current Index is the ABS PPI (Road and Bridge Construction) as published by the Australian Bureau of Statistics available at the time of review of the contribution rate
- Base Index is the ABS PPI (Road and Bridge Construction) as published by the Australian Bureau of Statistics at the date of adoption of this plan.

Note: In the event that the current PPI is less than the base PPI, the current PPI shall be taken as not less than the previous PPI.

2.22.4.2. Contribution rates for works schedule items involving land yet to be acquired

For changes to land values, the Council will publish at least on an annual basis the revised land index values that are to be used to change the base land values contained in the Plan which will be determined in accordance with the following formula:

$$\$C_{LV} + \frac{\$C_{LV} \times ((\text{Current LV} - \text{Base LV Index}))}{[\text{Base Index}]}$$

where:

- $\$C_{LV}$ is the land values within the plan at the time of adoption of the plan expressed in dollars
- Current LV Index is the land value index as published by the Council available at the time of review of the contribution rate
- Base LV Index is the land value index as published by the Council at the date of adoption of this plan.

Note: This clause does not cover the adjustment of a contribution between the time of consent and the time payment is made. This is covered by clause 2.21.4.3.

2.22.4.3. How are contributions adjusted at the time of payment?

The contributions stated in a consent are calculated on the basis of the section 7.11 94 contribution rates determined in accordance with this plan. If the contributions are not paid within the quarter in which consent is granted, the contributions payable will be adjusted and

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the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment in the following manner:

$$\$C_P = \frac{\$C_{DC} + [\$C_{DC} \times \{(\$C_Q - \$C_C) / \$C_C\}]}{1}$$

where:

- $\$C_P$ is the amount of the contribution calculated at the time of payment
- $\$C_{DC}$ is the amount of the original contribution as set out in the development consent
- $\$C_Q$ is the contribution rate applicable at the time of payment
- $\$C_C$ is the contribution rate applicable at the time of the original consent

The current contributions are published by Council and are available from Council offices. Should the Council not validly publish the applicable contribution rates, the rate applicable will be calculated in accordance with the rate prevailing in the previous year.

2.23. Review and Monitoring of Plan

This plan will be subject to regular review by Council in accordance with the provisions of the EP&A Regulation. The purpose of such a review is to ensure that:

- levels of public service and amenity provisions are consistent with population trends and community needs;
- contribution levels reflect changes to construction costs and land values;
- the works program can be amended if the rate of development differs from current expectations.

The contribution rates and works program for this plan have been formulated using information available at the time of writing. A number of variables will be monitored to facilitate the review process. Some of these variables include:

- lot production and dwelling construction;
- construction costs;
- land costs; and
- anticipated population.

The contribution rates will be reviewed by reference to the following specific indices:

- construction costs by reference to the Australian Bureau of Statistics Producer Price Index.
- land acquisition costs by reference to the Australian Bureau of Statistics Established House Price index for Sydney.
- changes in the capital costs of various studies and activities required to support the strategies in the plan by reference to the actual costs incurred by council in obtaining these studies.

Any changes to the Contributions Plan, apart from indexing and minor typographical corrections, will be placed on public exhibition in accordance with the requirements of the EP&A Act and Regulation.

2.24. Contributions Register

A Contributions Register will also be maintained for this Contributions Plan in accordance with the EP&A Regulation and may be inspected on request. This Register will include:

- (1) details of each consent for which a Section 7.11 94 condition has been imposed;

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- (2) the nature and extent of the contribution required by the condition for each facility category;
- (3) the name of the Contributions Plan the condition was imposed under; and
- (4) the date any contribution was received and its nature and extent.

At the end of the each financial year, the Council is required to make an annual statement within the yearly budget. This statement must include the following:

- (1) Opening and closing balances of money held in the Section 7.11 94 Contributions Plan by the Council for the accounting period;
- (2) Total amounts received by way of monetary contribution under this Plan;
- (3) Total amount spent in accordance with this Plan; and
- (4) Outstanding obligations of the Council to provide works for which contributions have been received.

2.25. Inforce Date of Plan

This Plan was adopted by Council on XX/XX/XX and came into force on XX/XX/XXXX.

This Plan replace the Plan adopted by Council on 11/12/2017 which came into force on 18/12/2017.

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Part 3 - Strategy Plans

This section sets out the strategies that Council intends to follow to cater to the needs of future population growth and development in the West Dapto release area. It identifies the resulting demand for public services and public facilities and the costs and timing of provision of the works that the Council intends to provide to cater to that demand.

It is important to note that the West Dapto area will develop over many years and planning for facilities at this stage of the development must recognise that population demands will vary over time, and may possibly vary from the assumptions that are used to determine the contributions that are set out in this plan. The Council will continually monitor population growth and demand, and where necessary, will appropriately adjust the timing and provision of the infrastructure to ensure it is delivered to meet the demands of the population.

3. Residential Development Nexus

Anticipated development: dwelling structure and population

Table 3.1 – Anticipated Dwelling Structure and associated Population

	Developable Area (ha)	Average Density	Yield	Average Occupancy Rate	Estimated Population
Residential					
B1 Neighbourhood Centre	4	15	60	1.7	101
B2 Local Centre	10	19	176	2.1	387
B4 Mixed Use	2	60	135	1.7	230
E4 Environmental Living	229	3	585	3.2	1,873
R2 Low Density	1,132	14	15,330	3.0	45,972
R3 Medium Density	102	28	3,365	2.5	8,412
R5 Large Lot Residential	24	5	120	3.2	384
E3 Environmental management	251	0	16	3.2	52
RU2 Rural Landscape	40	0	7	3.0	22
Residential Total	1,794	15	19,794	2.7	57,433
Industrial					
IN2 Light Industry	136		-		
IN3 Heavy Industry	44		-		
Industrial Total	180		-		
Commercial					
B1 Neighbourhood Centre	4				
B2 Local Centre	2				
B4 Mixed Use	0				
Commercial Total	6				
Grand Total	1,981	15	19,794	3	57,433

Demography:

Existing Characteristics

The following is a snapshot of relevant statistics for the Wollongong area from the 2006 Census.

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- Lower rates of population growth compared to Sydney but comparable to other LGAs in the Illawarra region.
- An increasingly older population, with the proportion of children and young adults decreasing as a percentage of the overall population.
- A higher proportion of family households with children (62%) as compared to other household types.
- An average household size of 2.5 persons per dwelling (occupancy rate).
- Low proportions of indigenous people and people from non-English speaking backgrounds as compared to the rest of NSW.
- Relatively high proportions of residents in low to middle income brackets as compared to the rest of NSW and higher rates of unemployment.
- Similar proportions of people employed in professional occupations, with higher rates working in trades and lower rates in managerial positions.
- Higher rates of home and car ownership but similar rates of renters to the rest of NSW.

The current population of Dapto has characteristics which differ from the wider Wollongong area. The characteristics of the population living in the Precincts may be summarised as follows:

Dapto Precinct

- Negative population growth.
- An older age profile to that of Wollongong, with a small increase in people between the ages of 65 and 84.
- The instance of home ownership has dropped 7.6% between 2006 and 2001.
- Weekly household income levels have high levels of occurrence at both the lower brackets (\$0-699) and the highest bracket (\$2000+).
- In 2006 the unemployment in Dapto was 2.8% above the National average.

Horsley Precinct

- A high population growth rate, with a 24.3% increase in population between 2001 and 2006.
- There has been a 1.5% increase in population aged between 65 and 84
- There has been a minor drop in population between the ages of 0 and 17.
- A 5% drop in home ownership is seen across 2001 to 2006, with a minor increase in those with mortgages.

Future Characteristics

Features of projected population change and future characteristics of the West Dapto resident populations are summarised below and generally reflective of new release areas. The characteristics are indicative in nature and should be read with some caution.

- The existing predominantly rural populations of West Dapto are likely to be displaced by the population attributable to the expected development in those precincts.
- In the early stages a high proportion of first and second time buyers in their late 20s and 30s, with young children or about to start a family.
- Projected future occupancy rates¹ at five years after dwelling occupation of:
 - 3.2 persons per dwelling for large houses on lots greater than 600m²;
 - 2.9 persons per dwelling for standard houses on lots 450-600m²;
 - 2.5 persons per dwelling for small houses on lots 350-450m²;
 - 2.2 persons per dwelling for townhouse/villas;
 - 1.7 persons per dwelling for apartment dwellings.

¹ Elton (2007), p. 9

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- A proportion of empty nesters can be expected which will build up over time given the proposed diversity in housing stock and once district wide services and public transport become well established.
- Over time, the peaks in the age distribution associated with a predominance of young families will reduce and the population will become more diverse.
- Low levels of single person households and group households are estimated.
- Most dwellings are likely to be owner-occupied (around 90%) with well over half being mortgaged
- The numbers of young children aged 0-4 are likely to build up over the first ten years of each major stage to an anticipated maximum of 12% of overall population and then decline. The number of children aged 5-11 are likely to be higher than the number of 0-4 year olds, building up to about 14%, whereas the proportion of 12-17 year olds is likely to be less than younger age groups, building up to around 11% after about 15 years.
- Adults aged 25-39 are likely to be the biggest age group, around 30%.
- The proportion of older people is likely to be low for the first ten years or so, but will rise over time.
- Over time, it can be expected that the population profile will come to more closely approximate that of an established area with a variety of age and household characteristics, particularly if there are a range of housing types and affordability available in the release area.

3.1. Rationale for New Facilities and Services

A key principle of Section 7.11 94 is to demonstrate a relationship between the anticipated development and the demand for additional open space, community facilities, drainage and road works. The demonstration of a relationship between new development and such demand is a core requirement of a valid Contributions Plan.

The expected development and resulting population and employment workforce within the West Dapto Release Area will create an increased demand for various public facilities and services.

The estimated increase in population at West Dapto to some 57,433 people will increase Wollongong's overall population from the current 206,794 (Estimated Resident Population as at 30 June 2014 from Community Profile – www.wollongong.nsw.gov.au) to 264,227.

Existing recreation and community facilities in Dapto and Horsley do not have the capacity to serve the future population growth and new facilities are required to service the new population.

The studies listed in Section 4 of this plan have identified that the expected development in the West Dapto Release Area will generate the following impacts on public services and public amenities:

- increased demand for local active and passive recreation facilities, such as playing fields, playgrounds, and bike paths;
- increased demand for facilities that will support safe and convenient travel such as new roads and public transport facilities; and
- increased demand for water cycle management facilities as a result of the extra stormwater runoff generated by impervious surfaces associated with urban development.

A range of facilities and services have been identified as being required to address the impacts of the expected development, including:

- traffic and transport management facilities;
- water cycle management facilities;
- open space and recreation facilities; and
- community facilities.

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The following section of the Contributions Plan identifies the nexus between the proposed urban release and the facilities or services listed above, specifies the appropriate level of apportionment (if any), and provides a brief description of the proposed works and their timing.

3.2. Cost of Facilities

Costs for facilities included in this Plan were derived from the services of a qualified quantity surveyor and/or from Council’s experience of facility costs in other areas. Assumptions used to derive estimated costs of facilities included in this Plan are detailed in the following Sections.

At the time this Plan was prepared, the planning of facilities was carried out at a strategic level. That is there were few, if any, facility concept plans upon which estimated costs could be based. As a result, a contingency allowance equivalent to 20 percent of the base cost in stage 1-4 and 15 percent of the base cost in Stage 5 was added to all works included in this Plan (excluding land acquisition).

The contingency allowance is considered reasonable given the early stage of planning of most facilities included in the Plan.

For an item of work that is to be provided through a works-in-kind agreement or a planning agreement, the credit for the item will include any contingency amount provided for in the plan.

3.3. Timing of Infrastructure

The West Dapto Urban Release Area has been divided into five development area stages. Stages 1 and 2 have been zoned for development. These stages are the current focus for infrastructure development in line with preparing the area for increasing residential occupation. Table 3.2 provides an estimated guide to timing of infrastructure in the Plan. [Figure 2](#) shows the development stages of West Dapto Urban Release Area. The locations of infrastructure items included in the Plan are shown on the map in [Figure 3](#).

Table – 3.2 – anticipated timing of infrastructure (Indicative only)

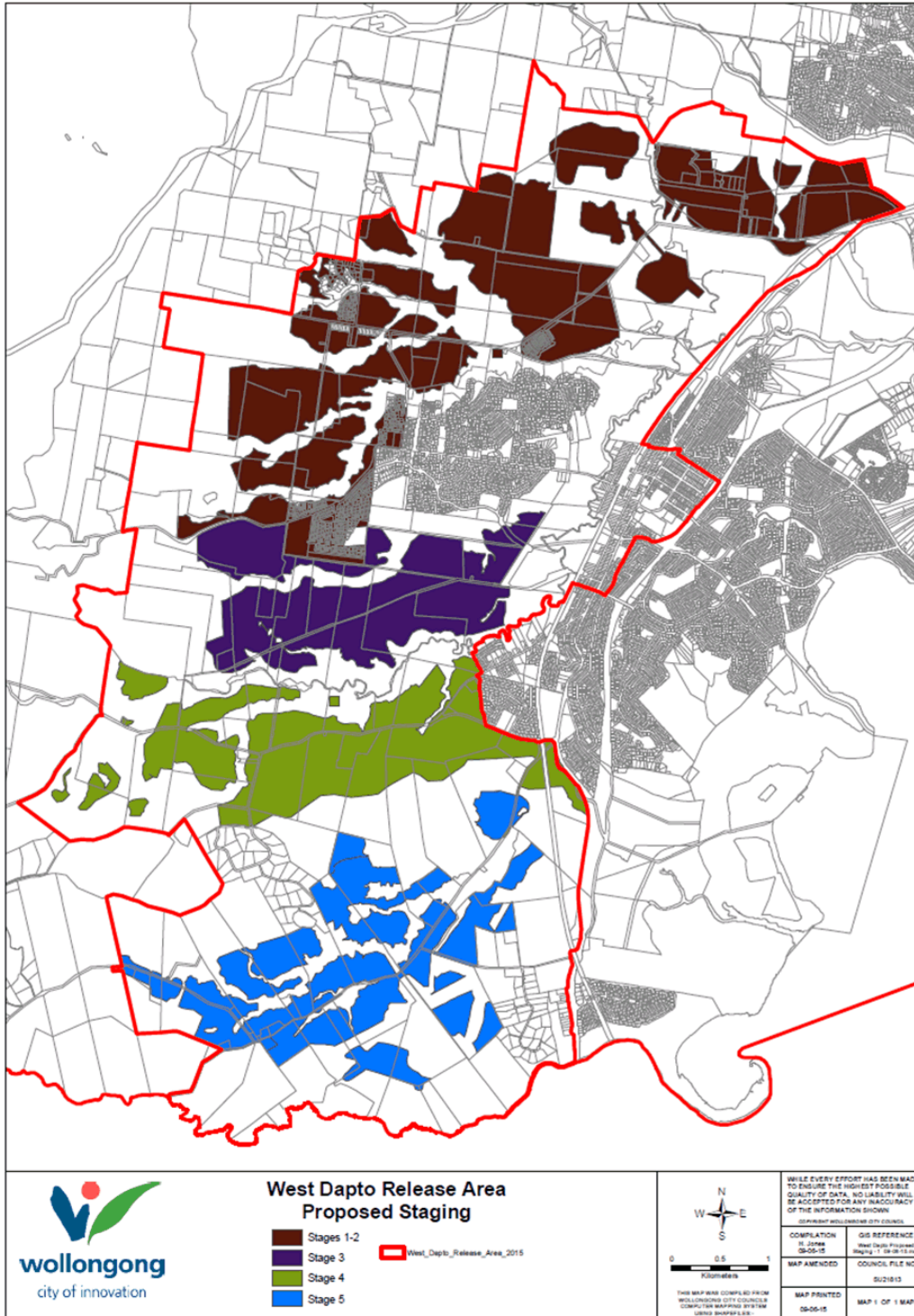
Year	Stage	Road Sections	Land Open Space/Community
2011-16	1-2		
2016-21	1-2	<ul style="list-style-type: none"> - Wongawilli Rd - Fowlers to Fairwater Drive - West Dapto Road(part) - Hayes Lane (likely VPA) - Shone Avenue 	Ridge Top Park Land – 10ha
2021-26	1-2	<ul style="list-style-type: none"> - West Dapto Rd - Sheaffes Rd - Darkes Rd - (NR4-NR9) North/South Link between Bong Bong Rd and Cleveland Rd 	
2026-31	1-2 & 3	<ul style="list-style-type: none"> - Cleveland Rd - Northcliffe Drive Extension - Reddalls Rd 	Darkes Town Centre Sports Park and Community Centre - 9.8ha plus 0.6 ha in the town centre
2031-36	1-2 & 5	<ul style="list-style-type: none"> - Marshall Mount Road - (NR40-NR43) Jersey Farm Road between Wongawilli and Bong Bong Rd 	Cleveland Community Centre - 1 ha

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2036-41	1-2	- (NR43-NR47) Jersey Farm Road cont. - (NR19-NR22) North South Link Road between Bong Bong Rd to Darkes Rd	Bong Bong Town Centre Park - 3 ha in the town centre
2041-46	4-5	- Avondale Road - Yallah Road	
2046-51	4-5	- Stage 4 and 5 Link Road - (NR12-NR15) North South Link Road between Avondale and Bong Bong Road	
2051-56	5	- NR45/46/47 - Marshall Mount M4 to M5	
2056-61			YMM Community Centre Land 0.6ha

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Figure 2. Where this Plan Applies



3.4. Community Facilities

3.4.1. Community Facilities Demand

The residential development in the West Dapto Release Area will result in additional demands for community facilities. Council will need to facilitate the provision of a range of community facilities to meet the expected population, including:

- child care centres and facilities;
- meeting rooms;
- library; and
- spaces for organised activities, cultural events and private functions.

These uses are best provided for in a multipurpose community centre which can incorporate a variety of large and smaller spaces suitable for a range of social, leisure and cultural activities. While this Plan documents the community facilities requirements pertaining to expected development of the release area, the Plan only recoup money for the land component of the community centres. This is in line with the items on the Essential Works List prepared by the Department of Planning and Environment.

3.4.2. Summary of Existing Facilities

The following existing community facilities and services are currently provided in the area covered by the Plan:

- Horsley Community Hall (Bong Bong Road, Horsley), was constructed to serve the Horsley community, and cannot be expanded to serve the future population.
- The Wongawilli Community Hall (Wongawilli road, Wongawilli) is a small facility that serves the local population. It is proposed to be expanded as part of the development of stages 1 & 2.
- Marshall Mount Progress Association Hall (Marshall Mount Road, Marshall Mount) is a small privately owned facility.

3.4.3. Proposed Community Facilities

The key strategies to provide for the incoming community needs of the West Dapto Release Area are as follows:

- Medium sized multipurpose community centres are to be located in Stages 1 and 3;
- Each of these multipurpose community centres to have a different focus such as art, recreation, technology or health, with the specific focus to be determined when emerging community characteristics and needs are more clearly recognised;
- A smaller Neighbourhood Centre type facility is proposed for the smaller, more local neighbourhood centres (Stages 2 and 4);
- The multipurpose community centres would act as community resource hubs in the larger centres, while the neighbourhood centres, combined with multipurpose children’s centres, would serve the same function in the smaller centres;
- Although a specifically focused cultural facility could also be justified (Elton Consulting, 2007), it is proposed that each of the community and neighbourhood centres include cultural components within them.
- Multipurpose Children’s Centres are proposed for the main centres to contain a full range of child care options from long day care, pre-school, occasional care and playgroup in a one stop shop.

Table 3.2 – Community Facilities

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Stage	Facility	Floor Area (m ²)	Land Area (ha)
Stage 1/2 – Darkes Town Centre	Multipurpose Community Centre and Children’s Centre	1500	0.6
Stage 1/2 – Wongawilli	Enhancements to Wongawilli Community Hall	200	NA
Stage 3 – Cleveland Precinct	Multipurpose Community Centre including Library and Technology Centre	2500	1
Stage 5 – Yallah-Marshall Mount	Multipurpose Community Hall with Children’s Centre	2500	0.6
Total		6700	2.2

The requirements for community facilities above were determined as part of the Social, Cultural and Recreational Needs Study for the West Dapto New Release Area prepared by Elton Consulting (July 2007). Further revision of community facility needs of the release area was also undertaken by the Growth Centres Commission.

It is important for Council to plan for and deliver these centres despite the capital cost of these centres not being included in the Section 7.11 94 Plan. The planning for the specific location of facilities is yet to be finalised although each multipurpose facility is to be located within a local or town centre. Council will prepare design concepts for the facilities as they are required. An Indication of general locations for facilities to service the different stages is shown in Figure 3.

3.4.4. Apportionment:

The need to provide a community facility identified in this part of the plan is generated by the residential development of the West Dapto Release Area. It is therefore appropriate that residential development within the Release Area be subject to the full cost of providing the land that these centres will occupy.

3.4.5. Schedule of Works and Cost Estimates:

A schedule of community facilities to be levied under this plan is included in Table 4.1 – Works Schedules. Cost estimates included area for land acquisition associated with the community facility.

3.4.6. Contributions Formula:

The method used to calculate the contributions rates required for the community facilities is set out in Section 2.22.4. The land acquisition costs for community facilities are set out in Table 4.1.

3.5. Open Space Facilities

3.5.1. Demand for Open Space

The residential development in the West Dapto release area will result in additional demands for open space and recreation facilities. Council will need to facilitate the provision of a range of open space and recreation facilities to meet the expected population, including:

- playgrounds;
- ovals and fields for a variety of sports;
- passive open space areas, including bushland; and
- recreation centres.

This Plan identifies the facilities requirements pertaining to expected development of the release area.

3.5.2. Summary of Existing Facilities

Within the Horsley/West Dapto area, there are currently 176.2 ha of open space which equates to 33 ha per 1,000 people. The following facilities existing within Horsley are not part of this Section 7.11 94 Plan:

- Reed Park (Bong Bong Road), which contains 4 cricket fields / rugby league fields and 3 tennis courts;
- Dimond Bros Park (Bong Bong Road) which contains a skate park;
- Horsley Park (Homestead Drive) which contains a basketball court
- Purrungully Woodland Reserve – bushland reserve for passive open space;
- Integral Energy Recreation Park which contains a running track for Kembla Joggers, passive recreation bushland, picnic facilities and a motor museum;
- The land surrounding the detention basins at Fairwater Drive, Glen-Ayre Avenue and Glenwood Grove provide for passive open space;

A network of cycle paths was developed in Horsley through the Horsley Section 7.11 94 Plan.

3.5.3. Proposed Open Space Facilities

The Social, Cultural and Recreational Needs Study for the West Dapto New Release Area prepared by Elton Consulting (July 2007) sets the requirements for open space and recreation facilities as a result of the expected development of West Dapto. While Wollongong Planning People Places – A Strategic Framework for Open Space, Recreation Facilities and Community Facilities (Suter & Associates, April 2006) provides an overall assessment of existing open space and recreation facilities currently provided in the wider area, future demand for facilities has implications for planning of open space. Further analysis of open space needs of the release area was also undertaken by the Growth Centres Commission.

Planning People Places makes the following comments with respect to open space provision in the Horsley/West Dapto area:

- The number of sporting fields is greater than the average provision for Wollongong but not significantly greater. Also, demand could be higher than the average due to the family focus in the area. This highlights the need for adequate fields to be provided for the new population.

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- There is a good supply of playgrounds in the area although demand could be higher than the estimate due to the family focus in the area;
- There are no netball courts in the area, although there is regional provision of 48 courts in Fred Finch Park, Berkeley.
- There is no swimming pool in the area, although there is a 50m outdoor pool in Dapto located on the eastern side of the Freeway.

In terms of demand for open space, the Social, Cultural and Recreational Needs Study (Elton Consulting, 2007) found the following demand patterns:

- High demand for recreation programs for all age groups;
- A need for recreation opportunities that complement rather than replicate existing opportunities;
- A need for opportunities to increase incidental exercise through design of footpaths and street networks as well as accessible, safe, well-lit walking and cycling tracks (Infrastructure included in Section 3.6 Transport Facilities to ensure integrated planning);
- Adequate public transport to facilities is important especially for youth;
- Quality of facilities and open space is as important as quantity;
- Need for flexibility in design to allow for community maturation, changing needs, priorities and preferences;
- Need for more multipurpose indoor facilities that combine community and recreation opportunities;
- High demand for walking and cycle networks, especially linking into the Lake Illawarra foreshore pathways and the Escarpment, and
- Demand for more recreation opportunities for young people beyond skate parks and BMX facilities. There is also demand for entertainment opportunities (including commercial) programs and events that target young people (including arts and culture) and public spaces that are safe and welcoming to young people (beyond shopping malls). (Elton Consulting, 2007, p.32)

The amount of land proposed for local open space and recreation facilities in West Dapto has been determined taking account of the following issues:

- the extent of existing open space in the area;
- increasing difficulties faced by Council in maintaining parks to a standard that meets community expectations;
- the need to plan for fewer but larger neighbourhood and local parks; and
- the need for accessible open space within 400 to 600 metre walking distance from most residential areas.

The facilities listed will be complemented by the provision of existing natural passive open space areas and along and adjacent to riparian corridors in the release area. Indication of facility locations is shown in [Figure 3](#), although depending on stage, there is some flexibility in these locations and will be subject to further planning and design.

There is a need for a total additional 68.0 ha of open space at West Dapto. This is in addition to the existing 176.2ha (including 106ha of natural areas), bringing the total provision of open space in West Dapto to 244.2ha. Based on an estimated ultimate population this equates to 3.9ha per 1,000 population.

The quantum of additional open space proposed for the West Dapto area population is 61 ha, this allows for 50% of the 2 proposed sports parks being city wide shared facilities. Therefore the total estimated open space for West Dapto is 237.2ha which equates to

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3.8ha per 1,000 population, an addition of 1.3ha per 1000 people. Notwithstanding the very high rate of open space provision in Wollongong as a whole, the rate of 3.9ha per 1,000 at West Dapto is considered appropriate given that:

- the generally accepted standard rate of open space provision is 2.83 ha per 1,000 people;
- it is Council’s objective to focus on the quality rather than quantity of open space; and
- 45% of total final open space consists of natural areas & the additional open space proposed equates to only 26%.

Table 3.3 – Open Space and Recreation Facilities

Map No.	Facility	Location	Description	Area
Stage 1-2 Darkes Town Centre				
1	Sports park plus playground (district level)	Adjacent to Darkes Town Centre and adjacent to conservation land	Provides city wide competitive sporting facilities including AFL, rugby and cricket fields (Apportionment = 50%)	9.4ha
2	Ridge park	On Ridge opposite Darkes Town Centre	Passive open space	9.75ha
3	Local park	Within residential area	1 field	2ha
Stage 1-2 Sheaffes - Wongawilli				
4	Neighbourhood park plus playground at neighbourhood level	Adjacent to Village centre	2ha Active (fields) and 2ha passive	4ha
5	Local park	Within residential area	1 field	2ha
6	Local park	Within residential area	1 field	2ha
8	Local park	Within residential area	1 field	2ha
Stage 1-2 West Horsley				
9	Local park	Within residential area	1 field	2ha
10	Neighbourhood park plus playground at neighbourhood level	Adjacent to Village centre	2ha Active (fields) and 2ha passive	4ha
12	Local park	Within residential area	1 field	2ha
13	Town Centre park plus playground at neighbourhood level	Bong Bong Town centre	1 field plus passive	3ha
Stage 3 Cleveland				
15	Community Leisure Recreation Centre (outdoor component only apportionment 50%)	North west of E3 adjoining Reed Park	Provide district level indoor and outdoor recreation facilities, indoor sports hall, basketball courts, outdoor tennis/netball courts (minimum of 12 tennis court complex) plus a Community meeting space (outdoor component only apportionment 50%)	
	Neighbourhood park with a playground at neighbourhood level	Adjacent to town centre		4ha

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	Local Park	Within residential area	1 field	2ha
	Local Park	Within residential area	1 field	2ha
Stage 4 Avondale				
	Neighbourhood park with a playground at neighbourhood level	Adjacent to town centre	2ha Active (fields) and 2ha passive	4ha
	Neighbourhood park with a playground at neighbourhood level	Within residential area	2ha Active (fields) and 2ha passive	4ha
	Local park	Within residential area	1 field	2ha
	Local park	Within residential area	1 field	2ha
Stage 5 Yallah Marshall Mount				
16	Neighbourhood park with a playground at neighbourhood level	Adjacent to town centre	2ha Active (fields) and 2ha passive	7.71ha
17	Local park	Within residential area	1 field	1.45ha

3.5.4. Neighbourhood Parks

It is expected that the Neighbourhood Parks will contain a mix of hard and soft landscapes and may offer areas for performance, community events and celebrations, occasional markets and informal ball game areas. Located to maximise access especially for pedestrians and cyclists and take advantage of the Conservation Areas.

The parks would be evenly split between active and passive recreational uses. The active component would be in the form of sports fields to accommodate demand for local sport training and competition including multipurpose fields, amenities including toilets, and parking.

The playgrounds will be integrated into the neighbourhood parks with 1 playground located in the sports park in Stage 1 as well as one located in the town centre park in Stage 2. The play areas should cater for children of 2-10 years.

Seating, water and shade need to be an integral part of the design consideration for the comfort of children and carers. Access to the playground should be universal to allow ease of access for people with disabilities and carers with prams/strollers.

3.5.5. Local Parks

It is expected that the Local Parks will provide locally available open space. These parks, in accordance with Council’s requirements, will be a minimum of 2 hectares in size and provide both active and passive recreation. They have been planned based on a 400-600 metre walking distance to enable most residents within West Dapto to walk to a park.

Basic amenities such as toilets (including disabled access toilets) will be required in all parks. The design of local parks should be flexible and provide an area suitable for 1 field.

3.5.6. Apportionment

All Neighbourhood Parks and Local Parks are 100% apportioned to West Dapto with the exception of the following:

- Darkes Road Sports Park – apportionment 25%
- Community Leisure and Recreation Centre – outdoor component only apportionment 50%

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The need for open space facilities is generated by residential development. Therefore, Residential development within the Release Area will be subject to the full cost of providing the open space facilities apportioned to the plan.

3.5.7. Schedule of Works and Costs Estimates

A schedule of recreation facilities to be levied under this plan is included in Table 4.2 – Works Schedules.

3.5.8. Contributions Formula

The method used to calculate the contributions rate required for the open space facilities are set out in Section 2.22.4.

The contributions for open space facilities are set out in Table 4.2.

3.6. Transport Facilities

3.6.1. Transport Facilities Demand

Wollongong City Council has developed a LGA wide traffic model to assist in establishing the required road network to service the future population of West Dapto and adjoining Release Areas. This model, combined with practical planning experience establishes the need for infrastructure works resulting from the development of the West Dapto Release Area, namely:

- Capacity improvements to existing road and intersection infrastructure;
- Intersection treatment upgrades (i.e. priority controls, roundabouts, or traffic signals);
- Road widening, and condition improvements;
- Bridging structures over creek lines, railway corridors and major roads;
- Bus accessible routes through West Dapto and connections to Dapto, and bus stop facilities; and
- Optimising of public transport routes and infrastructure.

The majority of the existing road network in the West Dapto release area is dominated by east west road alignments (following topographic ridgelines) and was largely developed to cater for rural traffic volumes only. The works are considered necessary to facilitate development, whilst ensuring an acceptable level of access, safety and convenience for all road users within the release area.

Based on the traffic modelling, the major road network proposed for the West Dapto Release Area consists of two road types, being major and minor collectors. Both these road types are suitable to cater for bus routes. The proposed road network has taken into consideration the heavily constrained nature of the release area, including flooding, and road and rail corridor infrastructure. The road network therefore needs to provide flood accessible route for the residential areas, bridging structure over creek lines, railway corridors and major roads.

3.6.2. Proposed Transport Facilities

Indication of proposed transport facility locations is shown in [Figure 3](#). Please note, the locations are indicative only and exact alignments will be subject to further planning and design work. The following infrastructure works will be required to facilitate the development of the West Dapto Release Area:

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3.6.2.1. Roads

This Plan includes a total of fifty one (51) km of funded collector roads.

Transport Facilities					
Item	Item Identification	Description	Quantity (lin m)	24HR volume range (vehicles per day)	Apportion to Plan
Existing local roads					
	West Dapto Rd	2 lanes/4 lanes	5066	335 - 19789	100%
	Sheaffes Rd	2 lanes	2005	1520 - 10595	100%
	Smiths Lane	2 lane	93	5346	100%
	Wongawilli Rd	2 lanes/4 lanes	590	6661 - 11756	100%
	Darkes Road	2 lanes	1476	0 - 9124	100%
	Shone Ave	2 lanes	1256	3408 - 5898	98%
	Bong Bong Rd rail crossing	2 lanes	20	8296	100%
	Bong Bong Rd	2 lanes	1450	8296 - 12456	100%
	Avondale Rd	2 lanes	3436	2849 - 13845	100%
	Cleveland Rd	2 lanes/4 lanes	5080	2845 - 25380	100%
	Huntley Road	4 lanes	1144	12728 - 28720	100%
	Yallah Road (15% construction contingency)	4 lane	1200	10947 - 20433	79%
	Marshall Mount Road (15% construction contingency)	2 lanes	5600	6428 - 19711	46%
	Paynes Rd	2 lanes	937	2267	100%
New local roads					
	Northcliffe Dr - Reddalls Rd - West Dapto Rd extension	4 lanes	3482	19468 - 21972	43%
	Fairwater Drive	2 lanes	758	6396 - 11605	100%
	Fowlers Rd (20% construction contingency in new table for designed Road)	4 lanes	795	30184 - 37031	76%
	NR12-NR22	2 lanes	3942	9910 - 23405	100%
	NR40-NR47A	4 lanes	4947	10862 - 19161	99%
	NR4-NR9	2 lanes	2290	6733 - 12418	100%
	NR49-NR50	2 lanes	500	4944 - 5196	100%
	NR1-NR3 (with 15% construction contingency)	4 lanes	2500	6318 - 15537	77%
	Town Centre Bypass Road (with 15% construction contingency)	2 lanes	2300	7115	24%
	Design and Project Management		10%		
	Construction Contingency		20%		

Note: Council has received the following funds:

- Grant of \$600,000 from Department of Planning towards the design of Fowlers – Fairwater link.
- Grant of \$22.5 million from Restart NSW towards the construction of the Fowlers – Fairwater link.

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3.6.2.2. Bridge Crossings

This Plan includes sixty one (61) funded crossings.

Bridge Crossings						
	Road No &/or name	Link Description	Link Length (m)	Link Lanes	Width (m)	Type
Watercourse Bridges						
B1	Bong Bong Road	Between Horsley & Dapto	60	2	14	super T over 20m upgrade
B2	Darkes Rd (Mullet Ck western tributary)	Road No.1 to Princes Hwy	30	4	21	super T over 20m upgrade
B3	Darkes Rd (Mullet Ck eastern tributary)	Road No.1 to Princes Hwy	20	4	21	super T over 20m upgrade
B6A	West Dapto Rd (between WD6-WD7)	West Dapto Rd to Northcliffe Dr ext	25	2	14	super T over 20m upgrade
B6B	West Dapto Rd (between WD5-WD6)	West Dapto Rd to Northcliffe Dr ext	15	2	14	plank up to 20m upgrade
B7	West Dapto Rd (tributary n/o Sheaffes Rd)	east of Catholic Cemetery to rail line	10	4	21	plank up to 20m upgrade
B8	West Dapto Rd (tributary n/o rail line)	east of Catholic Cemetery to rail line	10	4	21	plank up to 20m upgrade
B9A	West Dapto Rd (3 x Mullet Ck tributaries)	rail line to Jersey Farm Rd	150	2	14	super T over 20m upgrade
B9B	West Dapto Rd (3 x Mullet Ck tributaries)	rail line to Jersey Farm Rd	150	2	14	super T over 20m upgrade
B9C	West Dapto Rd (3 x Mullet Ck tributaries)	rail line to Jersey Farm Rd	50	2	14	super T over 20m upgrade
B10A	West Dapto Rd (2 x Mullet Ck tributaries)	Reddalls Rd to Northcliffe Dr ext	15	2	14	plank up to 20m upgrade
B10B	West Dapto Rd (2 x Mullet Ck tributaries)	Reddalls Rd to Northcliffe Dr ext	45	2	14	super T over 20m upgrade
B42	Wongawilli Rd	Shone Ave to Smiths Lane	30	4	21	plank up to 20m upgrade
B43	Smiths Lane	West Dapto Rd to Wongawilli Rd		2	14	super T over 20m new
B11	Shone Ave (Mullet Ck northern tributary)	West Dapto Rd to Bong Bong Rd	45	2	14	super T over 20m upgrade
B12	Shone Ave (Mullet Ck southern tributary)	West Dapto Rd to Bong Bong Rd	75	2	14	plank up to 20m upgrade
B13A	Cleveland Rd (2 x Mullet Ck tributaries)	Princes Hwy to Road No.1	50	2	14	plank up to 20m upgrade
B13B	Cleveland Rd (2 x Mullet Ck tributaries)	Princes Hwy to Road No.1	6	2	14	super T over 20m upgrade
B14A	Cleveland Rd (2 x Mullet Ck tributaries)	Road No.5 to Road No.8	6	2	14	plank up to 20m upgrade
B14B	Cleveland Rd (2 x Mullet Ck tributaries)	Road No.5 to Road No.8	6	2	14	plank up to 20m upgrade
B15	Cleveland Rd (Mullet Ck tributary)	Cleveland Rd to Avondale Rd	32	2	14	plank up to 20m upgrade
B16	Avondale Rd (Mullet Ck tributary)	Road No.8 to Road No.9	20	2	14	plank up to 20m upgrade
B17	Avondale Rd (Mullet Ck tributary)	Road No.9 to Road No.5	6	2	14	plank up to 20m upgrade
B18A	Marshall Mt Rd (2 x Duck Ck tributaries)	Yallah Rd to Huntley Rd	62	2	14	plank up to 20m upgrade
B18B	Marshall Mt Rd (2 x Duck Ck tributaries)	Yallah Rd to Huntley Rd	125	2	14	super T over 20m upgrade
B19	Marshall Mt Rd	Yallah Rd to LGA boundary	62	2	14	plank up to 20m upgrade
B20A	Yallah Rd (3 x Duck Ck tributaries)	Marshall Mt Rd to F6 freeway	50	4	21	plank up to 20m upgrade
B20B	Yallah Rd (3 x Duck Ck tributaries)	Marshall Mt Rd to F6 freeway	16	4	21	plank up to 20m upgrade

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B53	Paynes Rd	Paynes Rd to NR27	6	2	14	plank up to 20m upgrade
Bridges for New Roads						
B23A	Northcliffe Dr ext (2 x tributaries)	Reddalls Rd to Wylie Rd	6	4	21	plank up to 20m new
B23B	Northcliffe Dr ext (2 x tributaries)	Reddalls Rd to Wylie Rd	6	4	21	plank up to 20m new
B24	Northcliffe Dr ext (nthn tributary)	West end Reddalls Rd to West Dapto Rd	175	4	21	super T over 20m new
B25	Northcliffe Dr ext (sth tributary)	West end Reddalls Rd to West Dapto Rd	150	4	21	super T over 20m new
B26A	Road No.5	West Dapto Road to Road No.7	6	2	21	super T over 20m new
B26B	Road No.5	West Dapto Road to Road No.7	40	2	14	plank up to 20m new
B27	Road No.5 (Mullet Ck tributary)	Road No.7 to Bong Bong Rd	60	2	14	super T over 20m new
B28	Road No.5 (Mullet Ck tributary)	Bong Bong Rd to Cleveland Rd	27	2	14	super T over 20m new
B29A	Road No.5 (3 x Mullet Ck tributaries)	Cleveland Rd to Avondale Rd	60	2	14	super T over 20m new
B29B	Road No.5 (3 x Mullet Ck tributaries)	Cleveland Rd to Avondale Rd	100	2	14	super T over 20m new
B29 C	Road No.5 (3 x Mullet Ck tributaries)	Cleveland Rd to Avondale Rd	6	2	14	plank up to 20m new
B30A	Road No.8 (2x Duck Ck tributaries)	Avondale Rd to Marshall Mt Rd	125	4	21	super T over 20m new
B30B	Road No.8 (2x Duck Ck tributaries)	Avondale Rd to Marshall Mt Rd	16	4	21	Culverts
B30 C	Road No. 8 (part of Duck Creek Catchment)	Avondale Rd to Marshall Mt Rd	75	5	21	super T over 20m new
B31	Road No.1 (Mullet Ck tributary)	Avondale Rd to Cleveland Rd	160	2	14	super T over 20m new
B32	Road No.1 (Mullet Ck tributary)	Cleveland Rd to Bong Bong Rd	60	2	14	super T over 20m new
B33	Fairwater Dr (Mullet Ck tributary)	Sierra Dr to Road No.1	48	2	14	super T over 20m new
B34	Road No.1 (2 x Mullet Ck tributaries)	Bong Bong Rd to Wongawilli railway line	80	2	14	super T over 20m new
B36	Road No.1 (Mullet Ck tributary)	Wongawilli rail line to Darkes Rd	60	2	14	super T over 20m new
B37	Road No.1	Fairwater Dr to Cleveland Rd	6	2	14	plank up to 20m new
B38	Road NR30	Sheaffes Rd to Smiths Lane	100	2	14	super T over 20m new
B39A	Road No. 6	Avondale Rd to Cleveland Rd to Road No.5 to Cleveland Road	46	2	14	super T over 20m new
B39B	Road No. 6	Avondale Rd to Cleveland Rd to Road No.5 to Cleveland Road	33	2	14	super T over 20m new
B39 C	Road No. 6	Avondale Rd to Cleveland Rd to Road No.5 to Cleveland Road	75	2	14	super T over 20m new
B39 D	Road No. 6	Avondale Rd to Cleveland Rd to Road No.5 to Cleveland Road	6	2	14	super T over 20m new
B39E	Road No. 6	Avondale Rd to Cleveland Rd to Road No.5 to Cleveland Road	20	2	14	super T over 20m new
B40	Road No. 7	Iredell Rd to Road No.5	100	2	14	super T over 20m new
B45	Fowlers Rd	NR14C	50			Inc. rail crossing.

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B46	Local Rd	Marshall Mount Rd to Yallah Rd	12	2	14	Culverts
B47	Local Rd	Marshall Mount Rd to Yallah Rd	45			
Rail Bridges						
B41	Huntley Rd (rail bridge)	over rail line	30	4	21	rail 1
B21	Bong Bong Rd (switchback over rail line)	Mullet Ck to Station St	16	2	14	rail 3
B35	Road No.1 (bridge over railway line)	At Wongawilli railway line	16	2	14	rail 1

3.6.2.3. Intersections

This Plan contains fifty two (52) funded intersections.

Site number	Road 1	Road 2	Facility
Int 1	Princes Hwy	Northcliffe Dr	large signals
Int 2	Northcliffe Dr extension	Wylie Rd	large signals
Int 3	Northcliffe Dr extension	Reddalls Rd	large signals
Int 4	Reddalls Rd	West Dapto Rd	small roundabout
Int 5	Wylie Rd	West Dapto Rd	small roundabout
Int 6	Northcliffe Dr extension	Reddalls Rd (west)	large roundabout
Int 7	Northcliffe Dr extension	West Dapto Rd	large roundabout
Int 8	Sheaffes Rd	West Dapto Rd	large signals
Int 9	Darkes Rd	West Dapto Rd	large signals
Int 9A	NR24	West Dapto Rd	large signals
Int 9B	NR23	West Dapto Rd	large signals
Int 10	Darkes Rd	Road No.1	large signals
Int 12	Shone Ave	West Dapto Rd	small signals
Int 13	Road No.2	West Dapto Rd	large signals
Int 14	Horsley Dr	Shone Ave	small roundabout
Int 15	Bong Bong Rd	Shone Ave	small signals
Int 16	Fairwater Dr (west)	Bong Bong Rd	small roundabout
Int 17	Road No.7	Road No.5	large roundabout
Int 18	Road No.1	Bong Bong Rd	small signals
Int 20	Bong Bong Rd	Station St	small signals
Int 21	Fowlers Rd extension	Marshall St	large roundabout
Int 22	Fowlers Rd extension	Princes Hwy	large signals
Int 26	Fairwater Dr (east)	Road No.1	small roundabout
Int 27	Cleveland Rd	Road No.1	small signals
Int 28	Cleveland Rd	Road No.6 (east)	small roundabout
Int 29	Bong Bong Rd (west)	Road No.5	large signals
Int 30	Road No.6	Road No.5	large signals
Int 31	Cleveland Rd	Road No.5	large signals
Int 32	Avondale Rd	Road No.1	small roundabout
Int 33	Cleveland Rd	Road No.6 (west)	small roundabout
Int 34	Cleveland Rd	Avondale Rd	small roundabout

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Int 35	Avondale Rd	Road No.6	small signals
Int 36	Avondale Rd	Road No.8	large signals
Int 37	Avondale Rd	Huntley Rd	large signals
Int 38	Huntley Rd	Marshall Mount Rd	small signals
Int 39	Huntley Rd	Princes Hwy	large signals
Int 40	Marshall Mount Rd	Yallah Rd	large signals
Int 41	Princes Hwy	West Dapto Rd	large signals
Int 42	Fairwater Dr	Sierra Dr	small signals
Int 43	Bong Bong Rd	Marshall St / Osborne St	small signals
Int 100	S1 Sheaffes Rd	NR26	small roundabout
Int 101	S2 Sheaffes Rd	P1	small roundabout
Int 102	S3 Sheaffes Rd	NR29	small roundabout
Int 104	SL1 (Smiths Lane)	W2 (Wongawilli Rd)	small signals
Int 105	Bong Bong Rd	NR15	small signals
Int 106	Bong Bong Rd	Sierra Dr	mini roundabout
Int 107	Local Rd	MM2	small signals
Int 108	Local Rd	Y2	small signals
Int 109	MM1	NMM1	small signals
Int 111	Cleveland Rd	NR14A	small signals

3.6.2.4. Bus Shelters

Public Transport	No.
Bus shelters	214
Bus transport kiosks	7

3.6.3. Apportionment

The need to provide the traffic and transport facilities identified in this part of the Plan is predominately generated by the residential development of West Dapto. The future employment development within the proposed industrial and business zonings will also generate demand for this critical infrastructure.

It is therefore appropriate that the costs be apportioned between the land uses as follows:

Residential – 91.3%

Commercial – 0.3%

Industrial – 8.4%

3.6.4. Schedule of Works and Costs Estimates

A schedule of transport facilities to be levied under this plan is included in Table 4.3 – Works Schedules.

3.6.5. Contribution Formula

The formula used to calculate the contributions rate for transport facilities costs is set out in Section 2.22.4

The contribution for transport facilities costs are set out in Table 4.3.

3.7. Water Cycle Management

3.7.1. Water Cycle Facilities Demand

The urbanisation of the West Dapto Release Area will require significant investment in a new, comprehensive water cycle management system to cater for the increase of impervious surfaces which affect the hydrological cycle.

Bewsher Consulting have prepared a Water Cycle Management Strategy for the West Dapto Release Area to:

- Minimise the impact of flooding;
- Reduce the impacts of urbanisation on receiving streams, creeks and Lake Illawarra;
- Remove stormwater pollutants to improve overall storm water quality;
- Retain and enhance riparian habitats;
- Reduce potable water demand to conserve potable water supply; and
- Recognise the importance of stormwater as a valuable resource.

The stormwater management strategy proposed for the release area focuses on minimising the impacts of the development on the total water cycle and maximising the environmental, social and economic benefits achievable by utilising responsible and sustainable stormwater management practices.

3.7.2. Summary of Demand Existing Facilities

3.7.3. Proposed Drainage Facilities

To manage stormwater quantity and quality to acceptable levels, a multi treatment approach is proposed to detain and treat stormwater flows as a result of urbanisation. The devices that have been selected to mitigate the expected pollutant loads and stormwater volumes are conscious of land take requirements; the future maintenance requirements; and ensure water quality that discharges into Lake Illawarra meet the prescribed targets. Works to be provided under this Contributions Plan are set out below and indicated on the map in [Figure 3](#):

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Table 3.4: Proposed Stormwater Treatments within West Dapto Release Area

Treatment Type	Description
Enhanced Storage Areas	<p>There are five proposed enhanced storage areas, which will be on-line and largely confined to land zoned for riparian corridor. The design will involve embankments across the floodplain to the tops of the banks of the existing low flow channel, so that the ecological connectivity of the low flow channel and its habitat would not be comprised. The location of the five enhanced storage areas are:</p> <ul style="list-style-type: none"> • Forest Creek (12 hectares) • Robins Creek (9 hectares) • Reed Creek (10.5 hectares) • Mullet Creek (14 hectares) • Duck Creek (19 hectares)
Detention Basins	<p>Detention basins will temporarily store floodwater from upper catchment areas during floods, releasing water the water at a controlled rate. This treatment reduces the peak flows and levels downstream of the basin sites. There are fifty four (54) detention basins to be constructed within the release area.</p> <p>Developers will be responsible for the construction, maintenance and ownership of any temporary detention basins required as a result of their development prior to provision of the overall stormwater cycle management network, including the 54 basins identified above.</p>
Gross Pollutant Traps (GPTs)	<p>GPT devices are to be provided at the outlet to stormwater pipes leading to stormwater basins. These systems operate as a primary treatment to remove litter, vegetative matter, free oils and grease and coarse sediment prior to discharge to downstream treatment devices. It is envisage each detention basin will contain one GPT to a total of fifty four (54) GPTs.</p>
Bio-retention Systems and Raingardens	<p>Bio-retention systems and raingardens are proposed within the release area. Raingardens are large scale, non-linear bio-retention systems. These systems will be appropriately sized to achieve the nutrient reduction targets. These systems will also attenuate first flush flows to reduce the risk of stream erosion within the watercourses.</p>

3.7.4. Apportionment

The need to provide the traffic and stormwater cycle management identified in this part of the Plan is predominately generated by the residential development of West Dapto. The

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future employment development within the proposed industrial and business zonings will also generate demand for this critical infrastructure.

It is therefore appropriate that the costs be apportioned between the land uses as follows:

Residential – 91.3%

Commercial – 0.3%

Industrial – 8.4%

3.7.5. Schedule of Works and Cost Estimates

The schedule of stormwater cycle management costs is included in Table 4.4 – Works Schedule.

3.7.6. Contribution Formula

The formula used to calculate the contributions rate for stormwater cycle management costs is set out in Section 2.22.4.

The contributions for stormwater cycle management costs are set out in Table 4.4.

3.8. Plan Administration

3.8.1. Administration and Plan Preparation

The preparation, on-going review, and implementation of this Contributions Plan requires significant Council resources. This includes allocation of time from strategic planning, services delivery and community development staff together with professional fees, to prepare and review the Contributions Plan.

Once the Plan is in place, further staff time will be required to manage the contributions system which includes the calculation and recording of contribution payments, monitoring development, population growth, works expenditure and indexation. The costs associated with the preparation and administration of this Plan will therefore be levied for under this Contributions Plan.

Administration and Plan preparation costs have been assumed at a rate of 1.5% of the total cost of the Plan.

3.8.2. Apportionment

The need for administration of the Contributions Plan is predominately generated by the residential development of West Dapto. The future employment development within the proposed industrial and business zonings will also generate demand for this critical infrastructure.

It is therefore appropriate that the costs be apportioned between the land uses as follows:

Residential – 91.3%

Commercial – 0.3%

Industrial – 8.4%

3.8.3. Contribution Formula

The formula used to calculate the contributions rate for administration costs is set out in Section 2.22.4.

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The contributions for administration costs are set out in Table 1.1, a rate of 1.5% of the total cost of the plan.

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Part 4 – Work Schedules

Table 4.1 Community Facilities (Land Only)

Ref	Facility	Stage	Quantity	Unit	Land Acquisition	
					Cost	\$94 Cost
Darkes Town Centre						
a	Multi Purpose Community Centre and Childrens Centre	1/2	1,500	m ²	420,000	420,000
Wongawilli						
b	Enhancements to Wongawilli Community Hall	1/2	200	m ²	-	-
Cleveland precinct						
c	Multi Purpose Community Centre including Library (Technology centre)	3	2,500	m ²	700,000	700,000
Yallah - Marshall Mount						
d	Multi Purpose Childrens Centre including Community Hall	5	2,500	m ²	420,000	420,000
					1,540,000	1,540,000

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Table 4.2 Open Space and Recreation

Map No.	Facility	Location	Description	Stage	Quantity	Total Area (ha)	Acquisition Cost	Construction Cost	Total Cost	Section 94 Cost
Stage 1/2 Darkes Town Centre										
1	Sports park	Edge of centre and adjacent to conservation land	2 cricket/AFL or 4 fields	1/2	1	9.40	2,303,000	4,392,733	6,695,733	1,673,933
1	Playground - District level	Within Sports park	Playground within Sports park	1/2	1	-	-	448,750	448,750	448,750
2	Ridge Park (Local park)	On ridge opposite Darkes Town centre	Passive open space	1/2	1	9.75	6,825,000	1,089,821	7,914,821	7,914,821
3	Local park	Within residential area	2ha, 1 field	1/2	1	2.00	1,400,000	961,607	2,361,607	2,361,607
Stage 1/2 Sheaffes - Wongawilli										
4	Neighbourhood park	Adjacent to Village Centre	2ha Active (fields) + 2ha Passive	1/2	1	4.00	2,800,000	1,282,143	4,082,143	4,082,143
4	Playground - Neighbourhood level	Within neighbourhood park	Playground within park	1/2	1	-	-	256,429	256,429	256,429
5	Local park	Within residential areas	2ha, 1 field	1/2	1	2.00	1,400,000	961,607	2,361,607	2,361,607
8	Local park	Within residential areas	2ha, 1 field	1/2	1	2.00	1,400,000	961,607	2,361,607	2,361,607
6	Local park	Within residential areas	2ha, 1 field	1/2	1	2.00	1,400,000	961,607	2,361,607	2,361,607
Stage 1/2 West Horsley										
10	Neighbourhood park	Adjacent to Village Centre	2ha Active (fields) + 2ha Passive	1/2	1	4.00	2,800,000	1,282,143	4,082,143	4,082,143
10	Playground - Neighbourhood level	Within neighbourhood park	Playground within park	1/2	1	-	-	256,429	256,429	256,429
9	Local park	Within residential areas	2ha, 1 field	1/2	1	2.00	1,400,000	961,607	2,361,607	2,361,607
12	Local park	Within residential areas	2ha, 1 field	1/2	1	2.00	1,400,000	961,607	2,361,607	2,361,607
13	Town Centre Park	Bong Bong Town Centre	3ha, 1 field + passive	1/2	1	3.00	2,100,000	3,525,893	5,625,893	5,625,893
13	Playground - Neighbourhood Level	Within town centre park	Playground within park	1/2	1	-	-	256,429	256,429	256,429
Stage 3 Cleveland										
a	Netball & Tennis Courts	Community Leisure, Recreation Centre	6 Netball Courts + 6 Tennis Courts	3	12	-	-	1,380,000	1,380,000	690,000
b	Playground	Within neighbourhood park	Playground within park	3	1	-	-	384,643	384,643	384,643
c	Neighbourhood park	Within or adjacent to Town Centre	2ha Active (fields) + 2ha Passive	3	1	4.00	2,800,000	1,282,143	4,082,143	4,082,143
d	Playground	Within neighbourhood park	Playground within park	3	1	-	-	384,643	384,643	384,643
e	Local parks	Within residential areas	2ha, 1 field	3	2	4.00	2,800,000	1,923,214	4,723,214	4,723,214
Stage 4 Avondale										
f	Neighbourhood parks	Town Centre and within residential areas	2ha Active (fields) + 2ha Passive	4	2	8.00	5,600,000	2,564,286	8,164,286	8,164,286
g	Playgrounds	Within neighbourhood parks	Playground within park	4	2	-	-	769,286	769,286	769,286
h	Local parks	Within residential areas	2ha, 1 field	4	2	4.00	2,800,000	1,923,214	4,723,214	4,723,214
Stage 5 Yallah - Marshall Mount										
16	Neighbourhood park	Close to hamlet centre	2ha Active (fields) + 2ha Passive	5	1	7.71	5,397,000	1,282,143	6,679,143	6,679,143
16	Playground	Within neighbourhood park	Playground within park	5	1	-	-	384,643	384,643	384,643
17	Local park	Within residential areas	2ha, 1 field	5	1	1.45	1,015,000	961,607	1,976,607	1,976,607
							45,640,000	31,800,233	77,440,233	71,728,433
<i>Note: Ref 7 & 11 removed as per IPART recommendation 11/10/2016</i>										
Home of football as well (15)										

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Table 4.3 Transport Facilities

Road	Section	Stage	Lanes	Quantity	Unit	Acquisition Cost	Pavement Cost	Intersection Cost	Bridge Cost	Rail Crossing Cost	Total Cost	Section 94 Cost
Existing Local Roads												
West Dapto Road		1/2	2 Lanes / 4 Lanes	5,066	Lin M	567,486	24,529,178	4,238,543	57,831,103	-	87,166,309	87,166,309
West Dapto Road Rail Crossing		1/2	2 Lanes	87	Lin M	-	482,044	892,412	-	-	1,374,455	1,374,455
Sheaffes Rd		1/2	2 Lanes	1,455	Lin M	1,141,920	7,375,658	490,178	-	-	9,007,756	9,007,756
Paynes Rd		1/2	2 Lanes	441	Lin M	316,992	2,410,219	-	463,548	-	3,190,759	3,190,759
Smiths Lane		1/2	2 Lanes	93	Lin M	2,046	-	613,489	4,380,807	-	4,996,342	4,996,342
Wongawilli Rd		1/2	2 Lanes	590	Lin M	94,440	2,838,741	-	4,901,780	-	7,834,962	7,834,962
Darkes Road		1/2	2 Lanes	1,476	Lin M	343,666	6,980,262	892,412	9,159,892	-	17,376,232	17,376,232
Shone Ave		1/2	2 Lanes	1,256	Lin M	107,072	6,787,398	1,390,370	13,665,569	-	21,950,409	21,498,017
Bong Bong Rd rail crossing		1/2	2 Lanes	20	Lin M	-	-	-	30,392,216	3,007,085	33,399,301	33,399,301
Bong Bong Rd		1/2	2 Lanes	1,450	Lin M	41,160	4,845,194	2,735,236	7,327,914	-	14,949,504	14,949,504
Avondale Rd		4	2 Lanes / 4 Lanes	3,436	Lin M	948,178	18,322,142	2,725,097	2,832,140	55,407	24,882,965	24,882,965
Cleveland Rd		3	2 Lanes / 4 Lanes	5,080	Lin M	1,722,280	25,888,190	2,446,175	10,972,066	-	41,028,710	41,028,710
Huntley Road		4	4 Lanes	1,144	Lin M	352,352	6,435,031	1,505,900	8,513,721	-	16,807,004	16,807,004
Yallah Road		5	4 Lanes	1,200	Lin M	624,700	11,762,049	-	4,703,305	-	17,090,054	13,483,796
Marshall Mount Road		5	2 Lanes	5,600	Lin M	3,794,599	35,115,923	1,809,377	14,359,882	-	55,079,782	25,178,926
New Local Roads												
NR29, 30 & 31 - Bridge Only		1/2	2 Lanes	100	Lin M	10,200	-	-	6,601,724	-	6,611,924	6,611,924
Northcliffe Dr -Reddals Rd - West Dapto Rd extension		1/2	4 Lanes	3,482	Lin M	1,062,000	18,167,120	3,019,346	103,955,935	-	126,204,401	53,978,514
Fairwater Drive		3	2 Lanes	758	Lin M	-	4,436,123	776,881	3,168,828	-	8,381,832	8,381,832
Fowlers Rd Extension		3	4 Lanes	795	Lin M	128,800	17,235,797	1,234,522	55,031,278	-	73,630,397	55,959,102
NR12-NR22		3	2 Lanes	3,942	Lin M	5,798,292	20,637,461	-	26,542,232	-	52,977,985	52,977,985
NR40-NR47A		3	4 Lanes	4,947	Lin M	7,064,316	25,498,452	3,019,346	19,359,556	-	54,941,670	54,628,513
NR4-NR9		3	2 Lanes	2,290	Lin M	3,013,080	11,690,946	-	11,883,103	-	26,587,130	26,587,130
NR49-NR50		1/2	2 Lanes	500	Lin M	581,400	2,216,293	-	6,601,724	-	9,399,417	9,399,417
NR1-NR3		5	4 Lanes	2,500	Lin M	5,250,000	14,410,017	-	14,092,356	-	33,752,374	25,989,328
Town Centre Bypass		5	2 Lanes	2,300	Lin M	2,658,880	12,630,268	523,751	2,763,228	-	18,576,128	4,497,722
Design & Project Management			Stages 1- 5: 10%								11,217,016	6,273,396
Construction Contingency			Stages 1- 4: 20% Stage 5: 15%								126,005,961	104,175,460
Public Transport												
Bus Shelters				214	Item						3,748,210	3,748,210
Bus Transport Kiosk				7	Item						1,237,823	1,237,823
Cycleways												
Stage 1/2 Cycleways		1/2		20.25	km	253,138	6,863,627				7,116,764	7,116,764
Stage 3 Cycleways		3		10.00	km	125,000	3,389,278				3,514,278	3,514,278
Stage 4 Cycleways		4		10.00	km	125,000	3,389,278				3,514,278	3,514,278
Stage 5 Cycleways		5		7.00	km	87,500	2,372,495				2,459,995	2,459,995
TRANSPORT TOTALS						36,214,497	296,709,182	28,313,035	419,503,909	3,062,493	926,012,126	753,226,710

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Table 4.4 Water Management

Item	Item Identification	Quantity	Unit	Acquisition Cost	Construction Cost	Total Cost	S94 Cost
	Detention Basins	37.9	ha	20,138,648	29,465,460	49,604,108	49,604,108
	Enhanced Storage Areas	64.5	ha	9,675,000	22,988,147	32,663,147	32,663,147
	Trunk Drainage	various	item		25,000,000	25,000,000	25,000,000
	Gross Pollutant Trap	54	item		2,989,126	2,989,126	2,989,126
				29,813,648	80,442,733	110,256,381	110,256,381

Part 5 – Supporting Material

The following documents were prepared for the original West Dapto Vision and Master Plan:

- West Dapto Local Environmental Study, WCC, 2007.
- Social, Cultural and Recreation Needs Study – Elton Consulting, 2007
- Energy and Communications Study - Maunsell Australia Pty Ltd, 2004
- Water Cycle Management Study - URS, 2004
- Transport Management and Access Plan - KBR Pty Ltd, 2007
- West Dapto T-Map extension Study – Connell Wagner 2008
- Infrastructure & Economic Assessment Report - GHD, 2006

The following documents were prepared as part of the NSW Growth Centres Commission Review:

- West Dapto Market Assessment and Demographics Peer Review - Colleen Coyne Property Research Pty Ltd, 2008
- West Dapto Land Value Assessment – Hill PDA, 2008
- West Dapto Release Area Urban Design Analysis – Urbis, 2008
- West Dapto Review – Flooding & Stormwater Strategy – Bewsher Consulting Pty Ltd, 2008
- West Dapto Retail Study Peer Review – SGS Economics & Planning, 2008
- West Dapto Masterplan Traffic & Transport Review – Urbanhorizon Pty Ltd, 2008
- West Dapto Release Area Access Review – Cardno, 2008
- West Dapto Transport Link Review – Cardno, 2008
- Peer Review – Urbanhorizon Traffic & Transport Report – Northrop, 2008
- Flood Access Strategy for West Dapto – Molino Stewart Pty Ltd, 2008
- Review of the West Dapto Section 94 Contributions Plan – Newplan, 2008

The following documents were completed after the adoption of the NSW Growth Centres Commission recommendation:

- Mullet Creek Flood Study – West Dapto Release Area (Bewsher 2009)
- Road Infrastructure (Section 94) Estimates Review (GHD 2010)
- Mullet Creek Flood Extension Investigations (Bewsher 2011)
- Marshall Mount and Yallah Road Upgrade – Strategic Concept design (SMEC 2015)
- West Dapto Development Area Mullet Creek Flood Modelling (Bewsher December 2009)
- TRACKS Land Use/Transport models
- West Dapto Urban Release Area – Integrated Transport Plan (Aecom, October 2010)
- West Dapto Urban Release Area Stages 1 & 2 – Road Network Infrastructure needs Study – Transport Modelling & Analysis (WCC, Oct 2010)
- Yallah Marshall Mount Precinct Draft Structure Plan and Infrastructure Costs Report (WCC 2015)

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Part 6 –Definitions

In this Plan, the following words and phrases have the following meanings:

Accredited Certifier	means the holder of a certificate of accreditation under the <i>Building Professionals Act 2005</i> (also referred to as a private certifier).
Applicant	means the person, company or organisation submitting a development application or complying development certificate.
Attributable cost	means the estimated cost for each item in the works schedules set out in Part 4 of this Plan, which may differ from the final actual cost of the item. It will be the value used in determining the amount of any offset of monetary contributions as a result of any works-in-kind proposal.
Certifier	means a council or an accredited certifier.
Contribution	means the dedication of land, the making of a monetary contribution or the provision of a material public benefit, as referred to in Section 7.11 94 of the EP&A Act.
Council	means the Council of the City of Wollongong.
CPI	means the All Groups Consumer Price Index (Sydney) as published by the Australian Bureau of Statistics.
Embellishment	means the enhancement of any public facility provided by the Council by the provision of services, facilities or works.
EP&A Act	means the <i>Environmental Planning and Assessment Act 1979</i> as amended.
EP & A Regulation	means the <i>Environmental Planning and Assessment Regulation 2000</i> as amended.
LEP	means a local environmental plan made by the Minister under Part 3 Section 70 of the EP&A Act.
LGA	means local government area
Multi-Unit Housing	means residential development involving the construction of 3 or more dwellings (whether attached or detached) on one or more lots of land including but not limited to multi-dwelling housing, shop top housing, seniors housing and secondary dwellings.
Net developable land	means all land within West Dapto that can be used for economic purposes plus half the width of any adjoining access roads that provide vehicular access, but excluding land: <ul style="list-style-type: none"> • that has been identified by the [NSW Department of Planning] to be required for the provision of infrastructure utilising the special infrastructure contributions under section 7.24 94EF of the EP&A Act; • set aside for publicly owned community facilities and/or community services provided or to be provided under this Plan or another contributions plan prepared under section 7.11 94 of the EP&A Act;

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- set aside for roads provided or to be provided under this Plan or another contributions plan prepared under section 7.11 94 of the EP&A Act;
- used as regional RTA roads;
- used as existing roads to be included as part of the proposed road network;
- identified in the Wollongong Development Control Plan 2009 Chapter D16 as being set aside for public open space;
- that is flood affected, below the 1 in 100 year flood level;
- that is located in a high hazard flood zone;
- that is within a core riparian zone or riparian buffer area;
- for public schools and TAFE colleges only where there is a Ministerial direction to that effect;
- for publicly owned health facilities;
- for ambulance stations, fire stations & police stations;
- for bus depots, bus/rail interchanges;
- for rail corridors, rail stations & associated parking facilities; and
- facilities provided by Sydney Water, Integral Energy or equivalent water, sewer or energy provider.

For the purposes of this Plan, economic purposes are residential purposes and retail, commercial, business, industrial, education and other employment purposes.

Planning Agreement

means a voluntary planning agreement referred to in Section 7.4 93F of the EP&A Act.

Public facility

means any public amenity or public service, as referred to in section 7.11 94 of the EP&A Act, the need for which has increased or been created by development.

Recoupment

means the payment of a monetary contribution to the Council to offset the cost (plus any interest) that the Council has already incurred in providing public facilities in anticipation of development.

Settlement

means the payment of a monetary contribution, the undertaking of a work in kind or the exchange of documents for the dedication of land required as a result of new development.

Special Infrastructure Contribution

means a contribution imposed as a condition of development consent in accordance with Section 7.24 94EF of the EP&A Act.

Works in kind

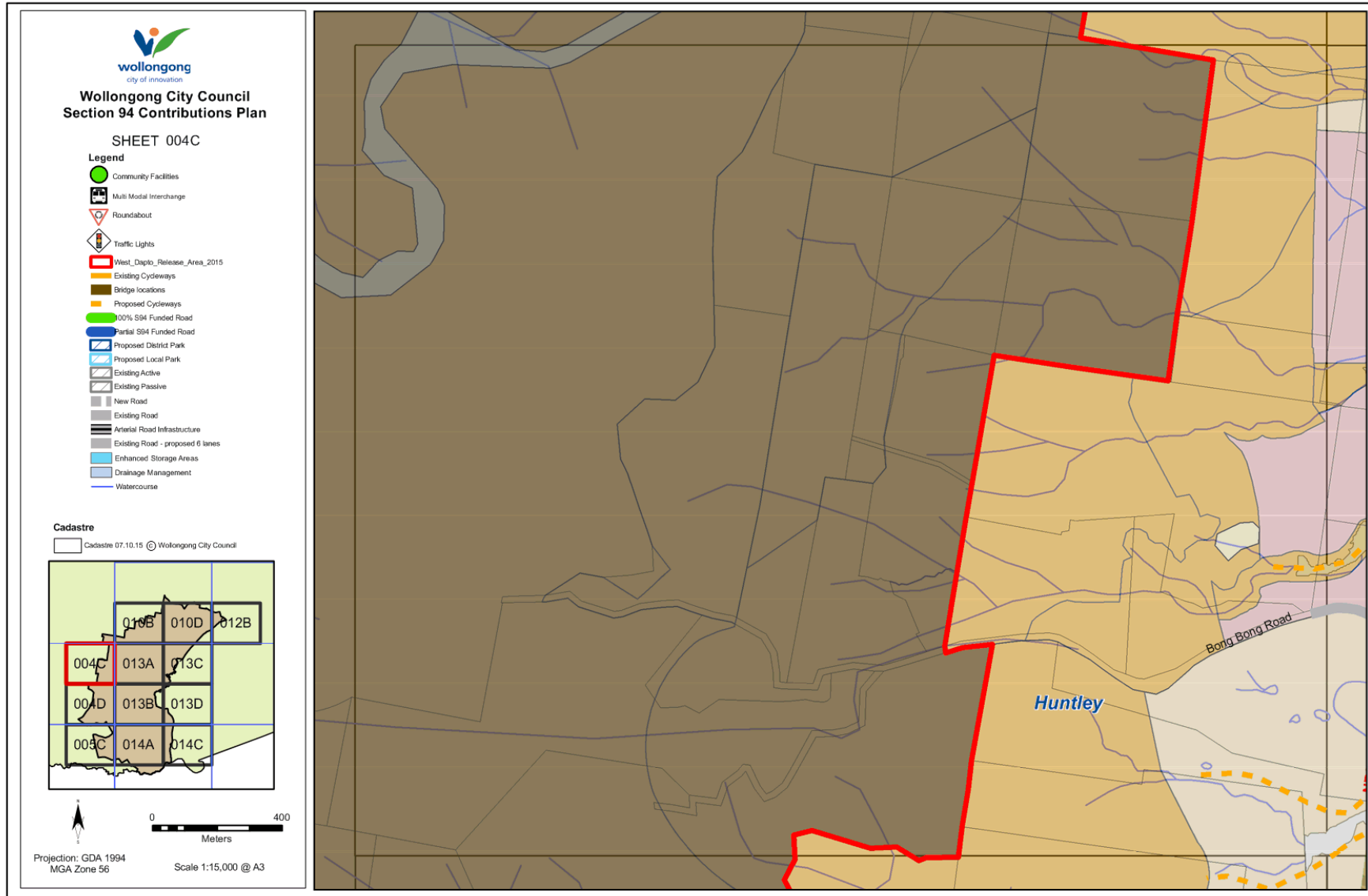
means the undertaking of a work or provision of a facility by an applicant which is already nominated in the works schedule of a contributions plan.

Works schedule

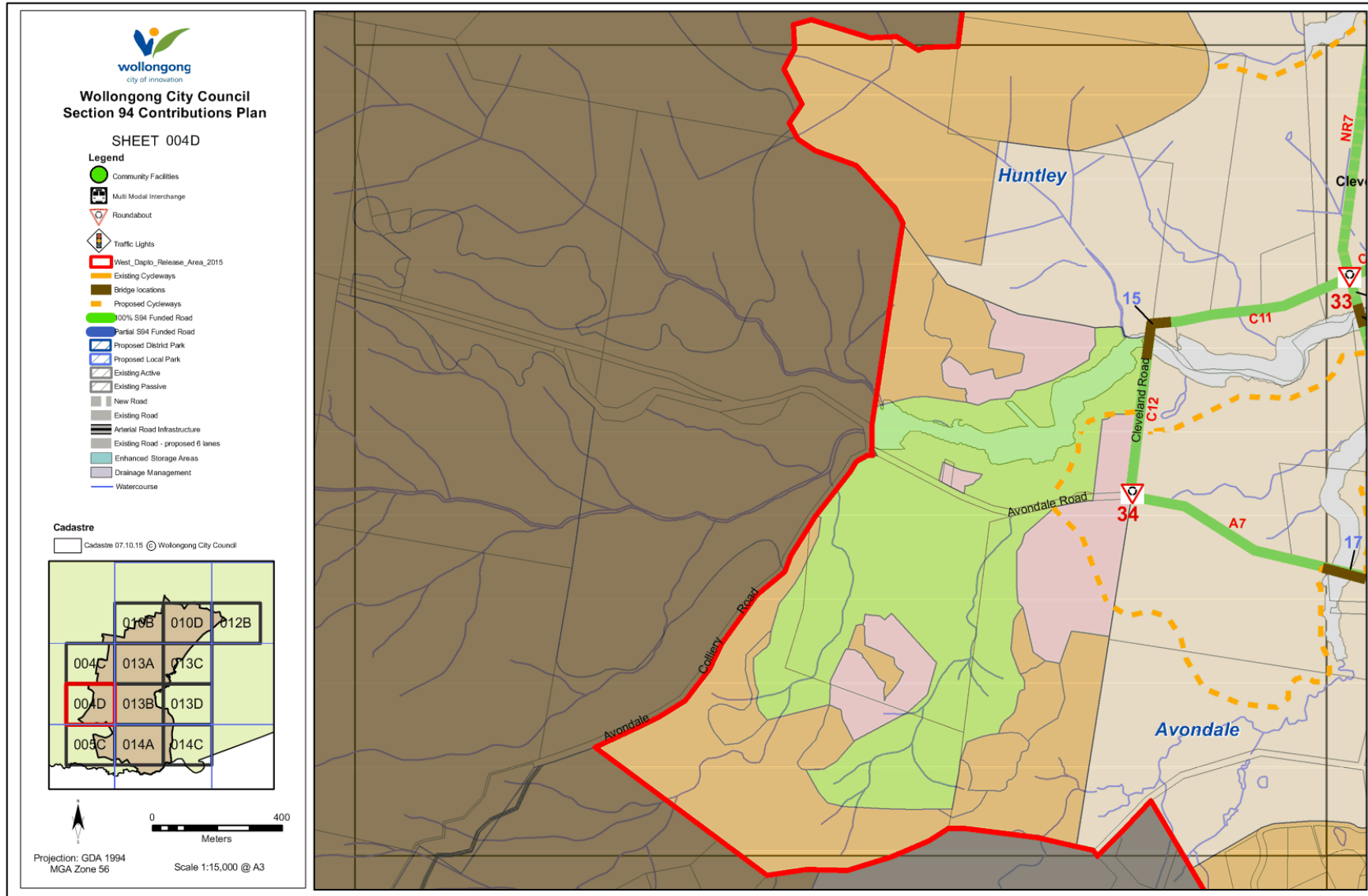
means the schedule of the specific public facilities for which contributions may be required, and the likely timing of provision of those public facilities based on projected rates of development, the collection of development contributions and the availability of funds from supplementary sources, as set out in this Plan.

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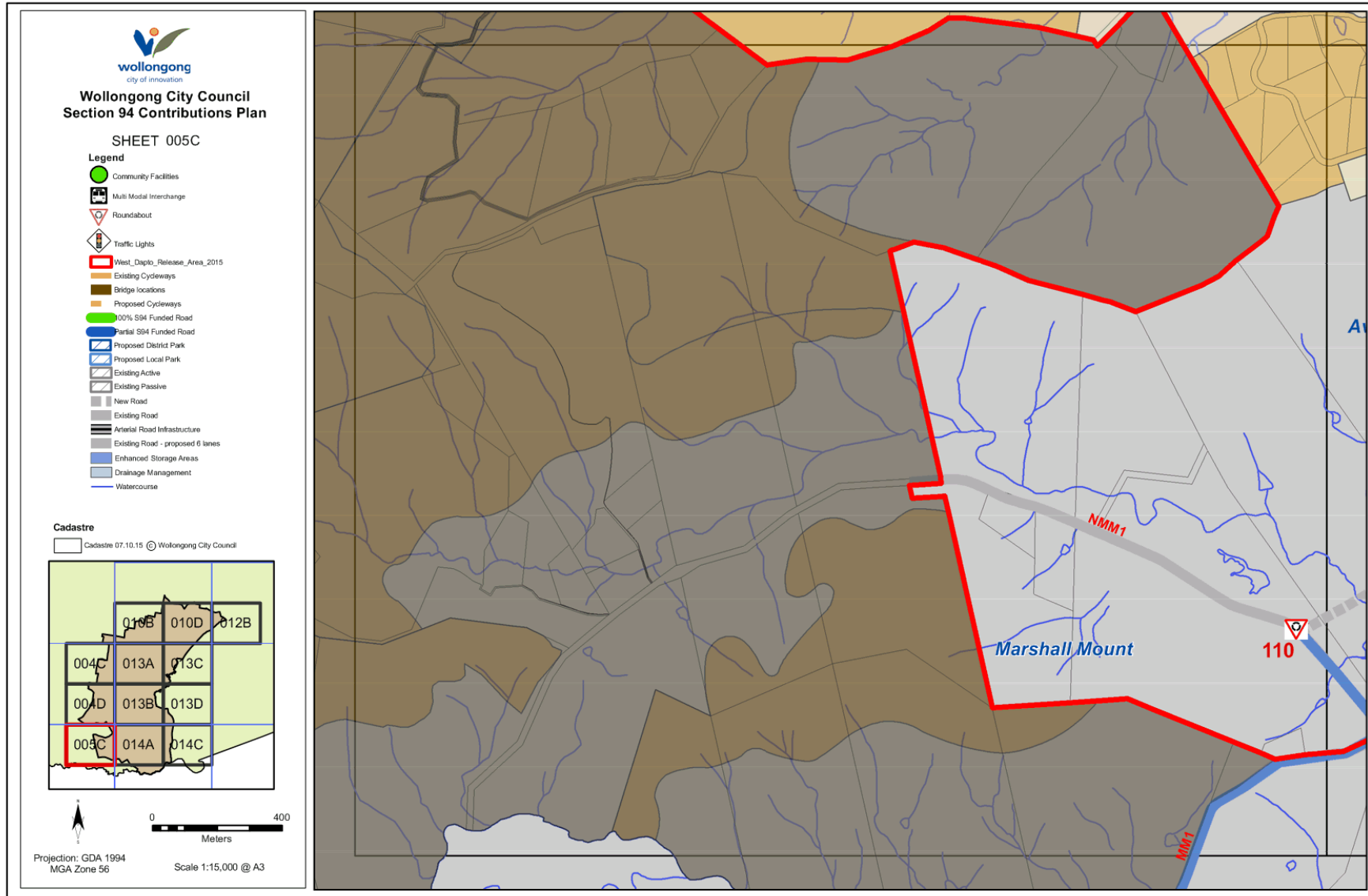
Figure 3. Contributions Plan Infrastructure Items Map



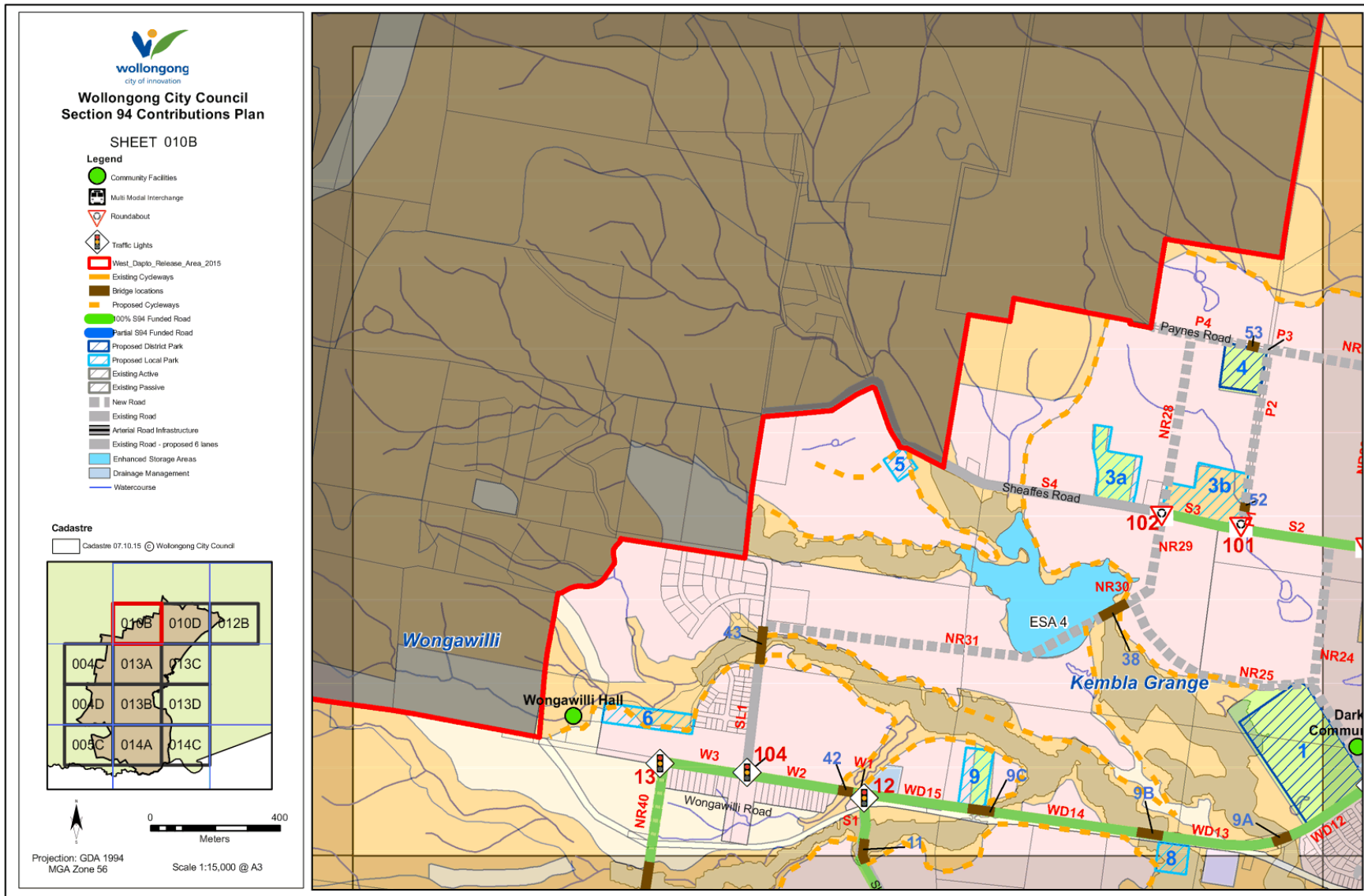
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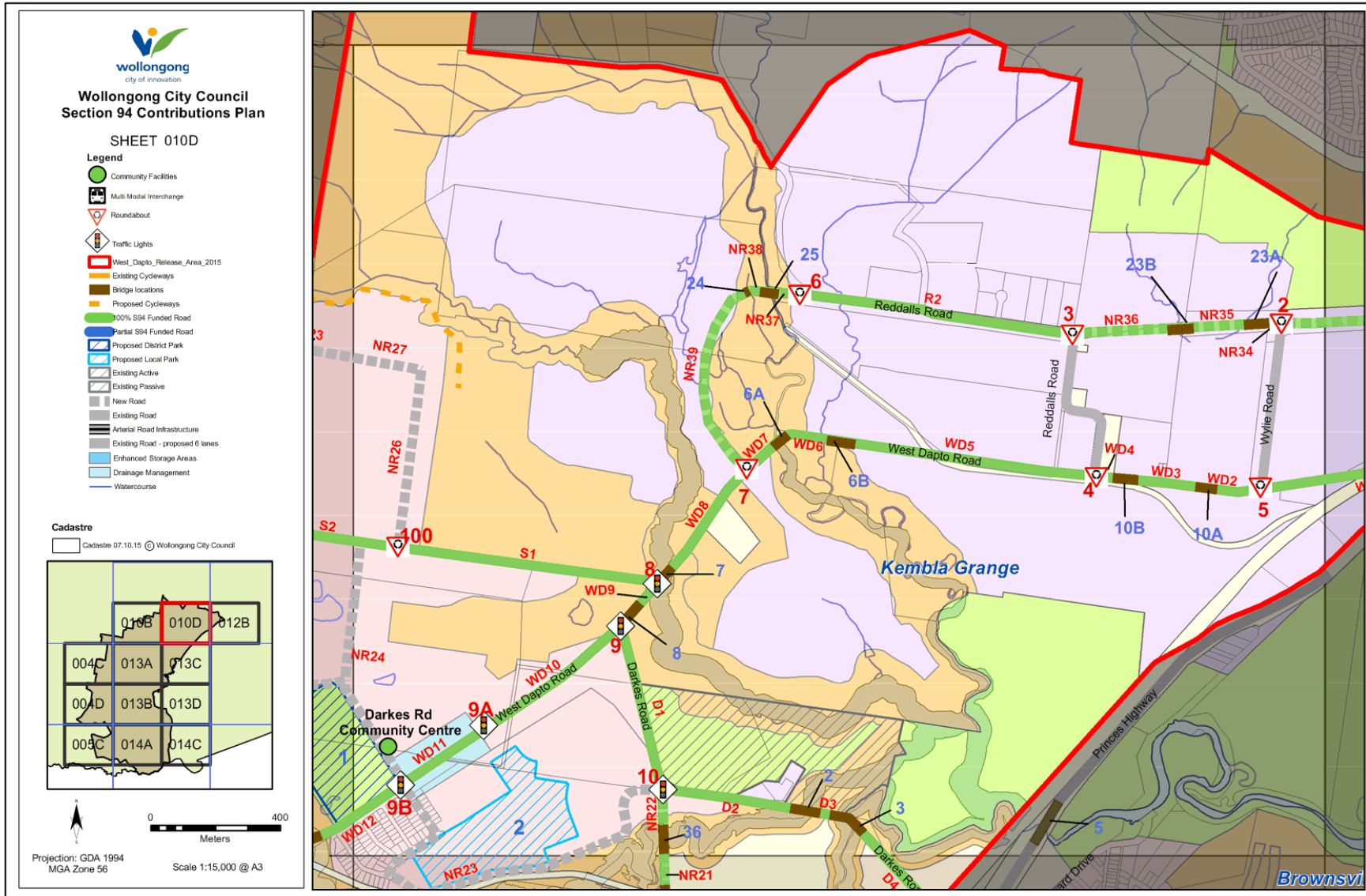
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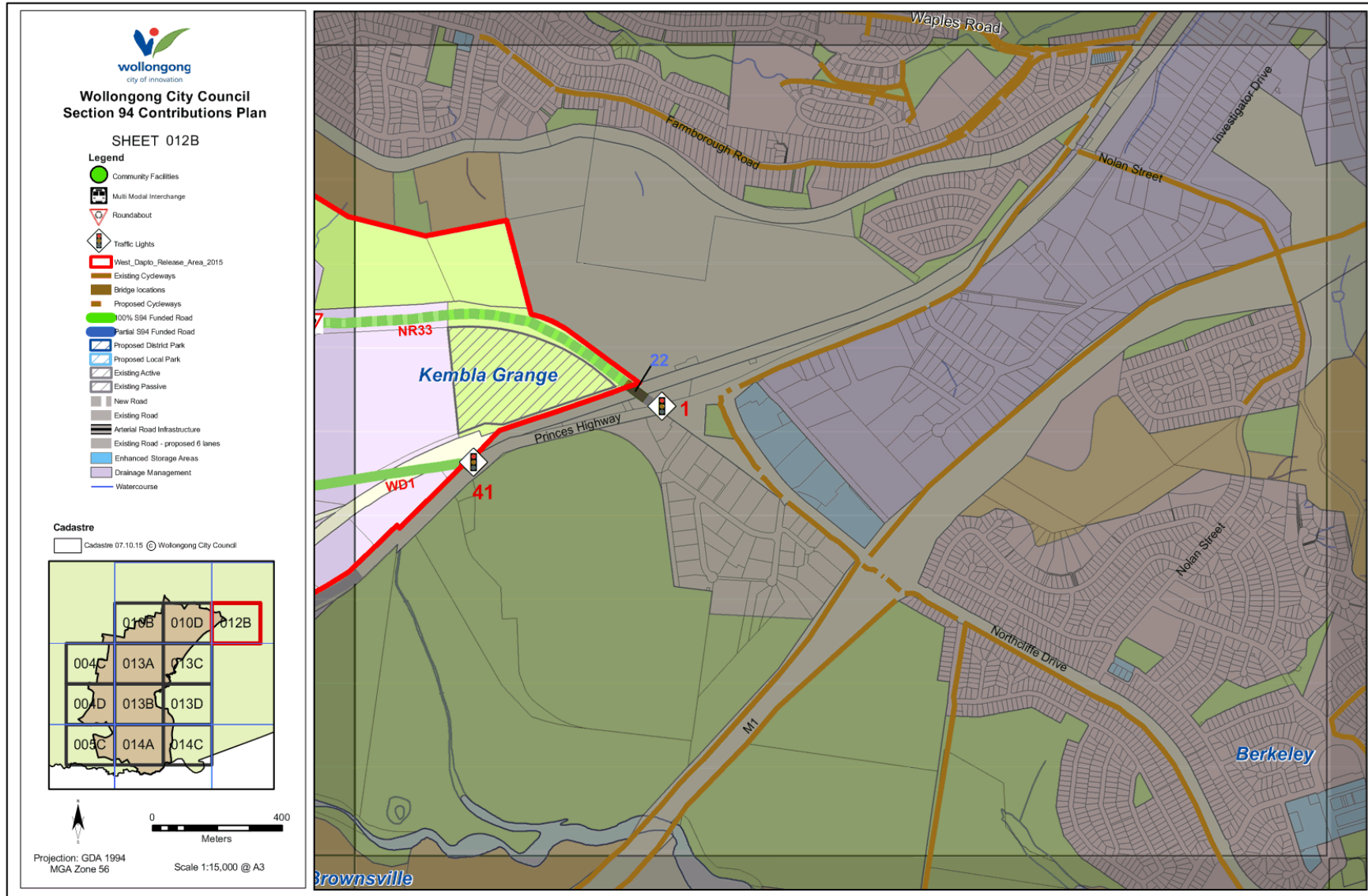
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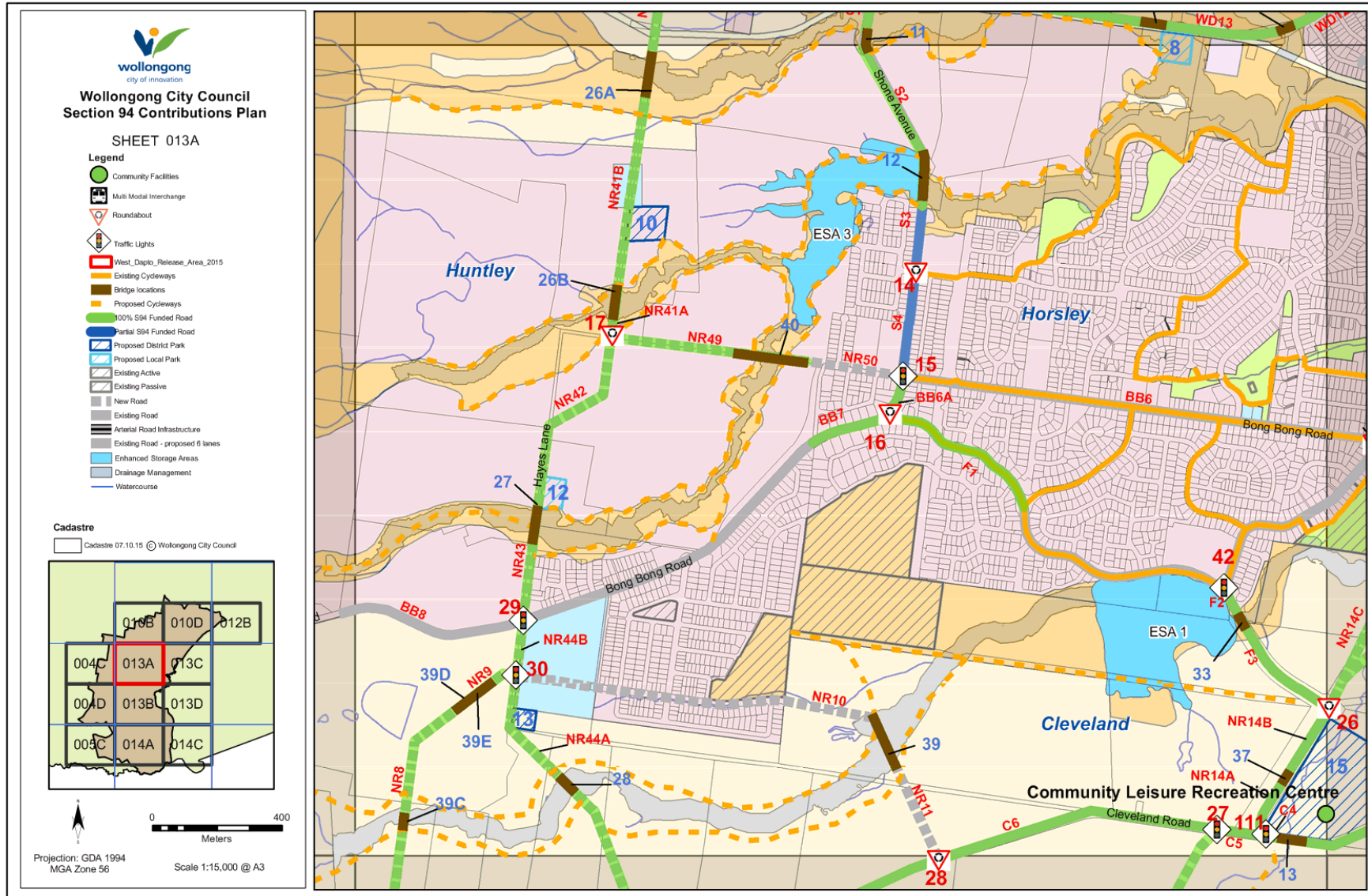
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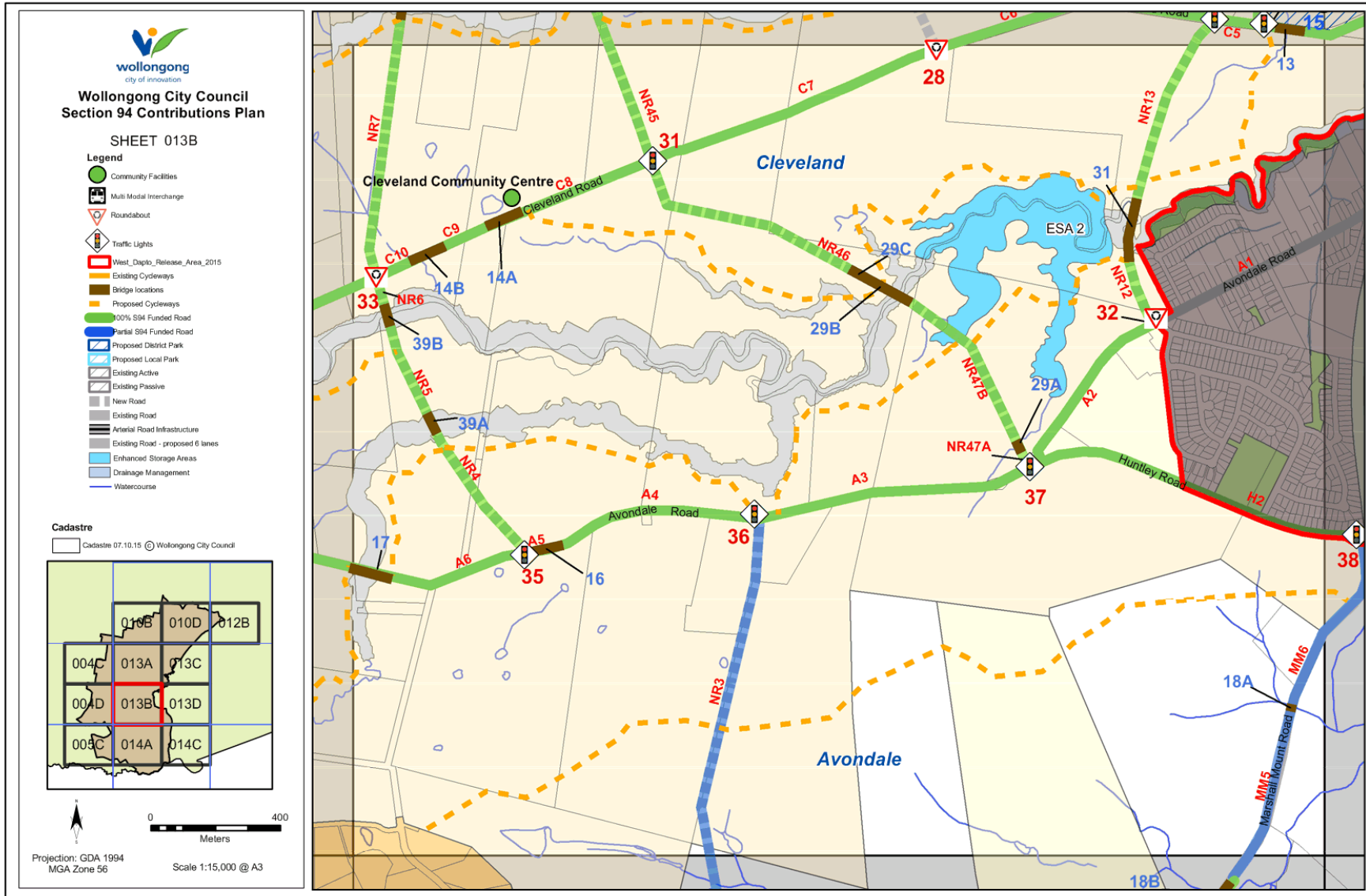
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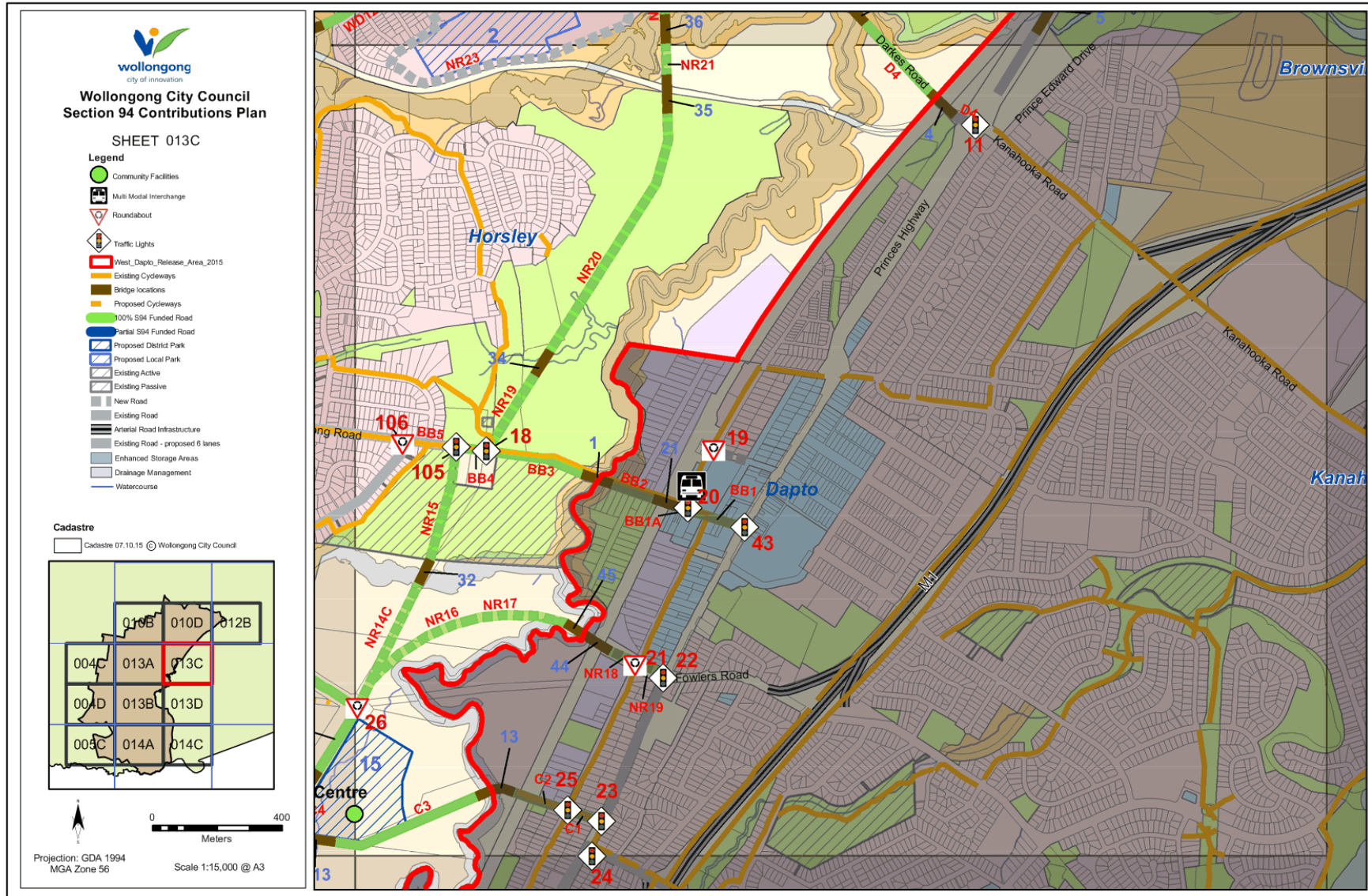
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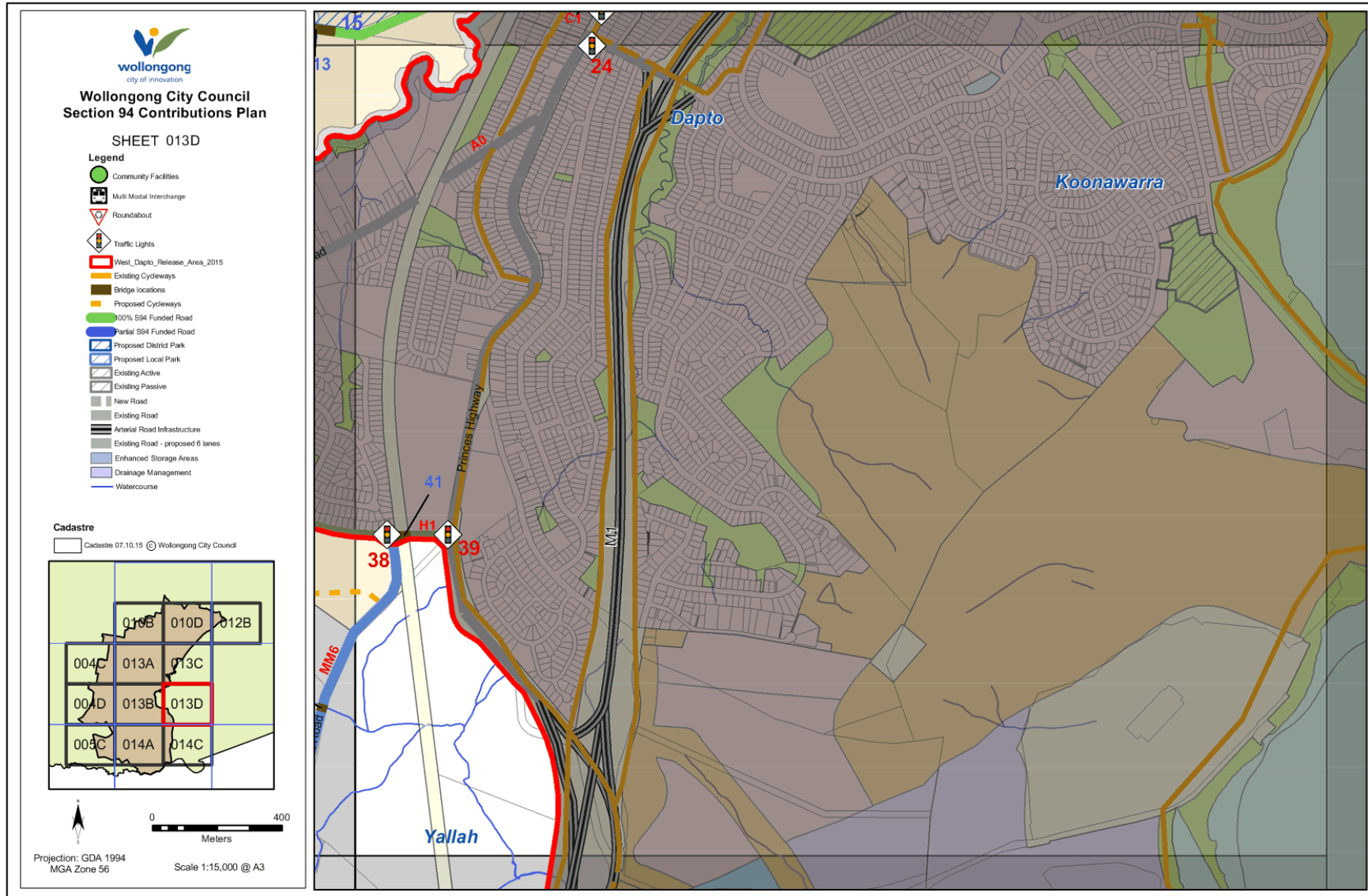
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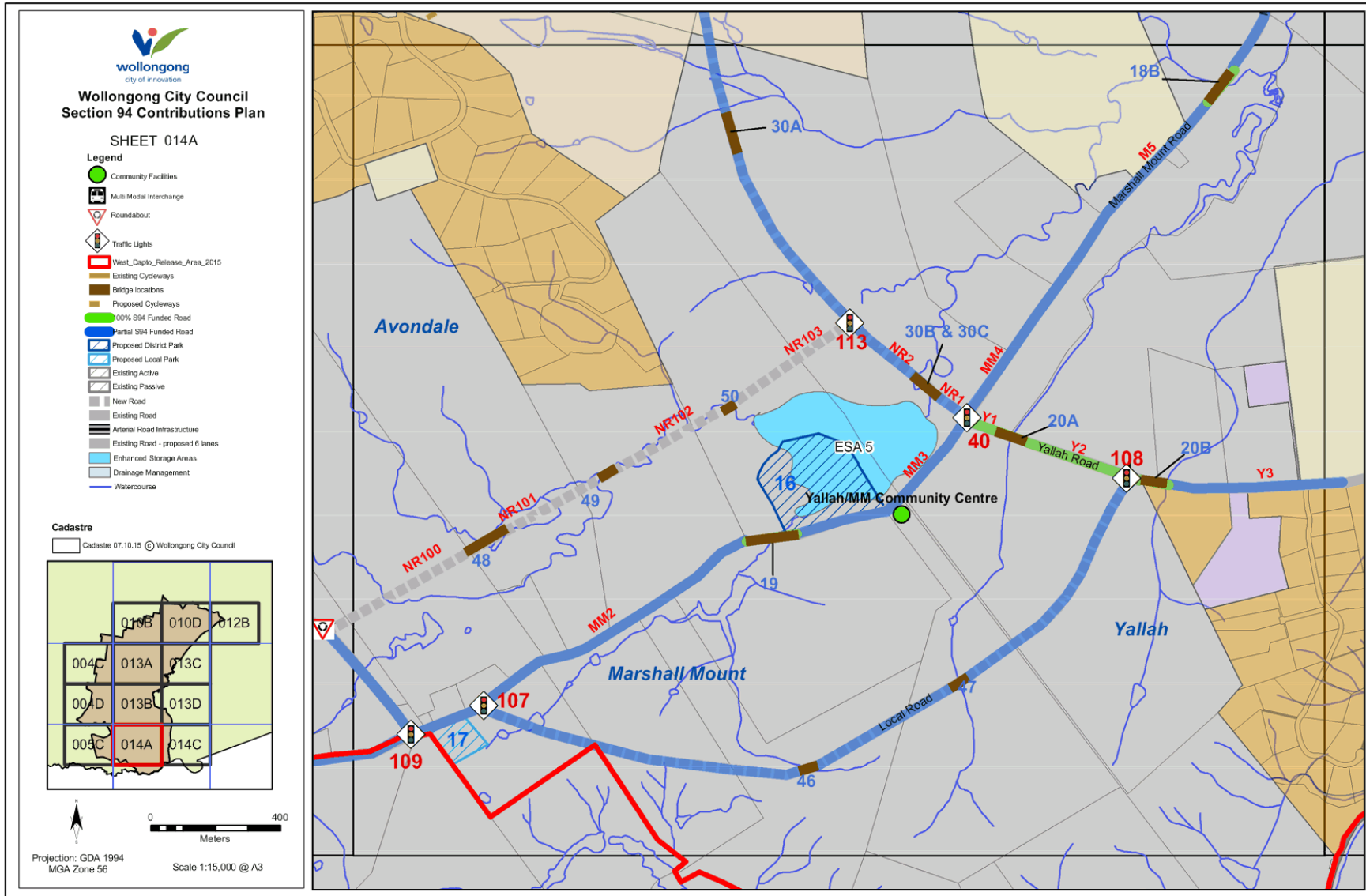
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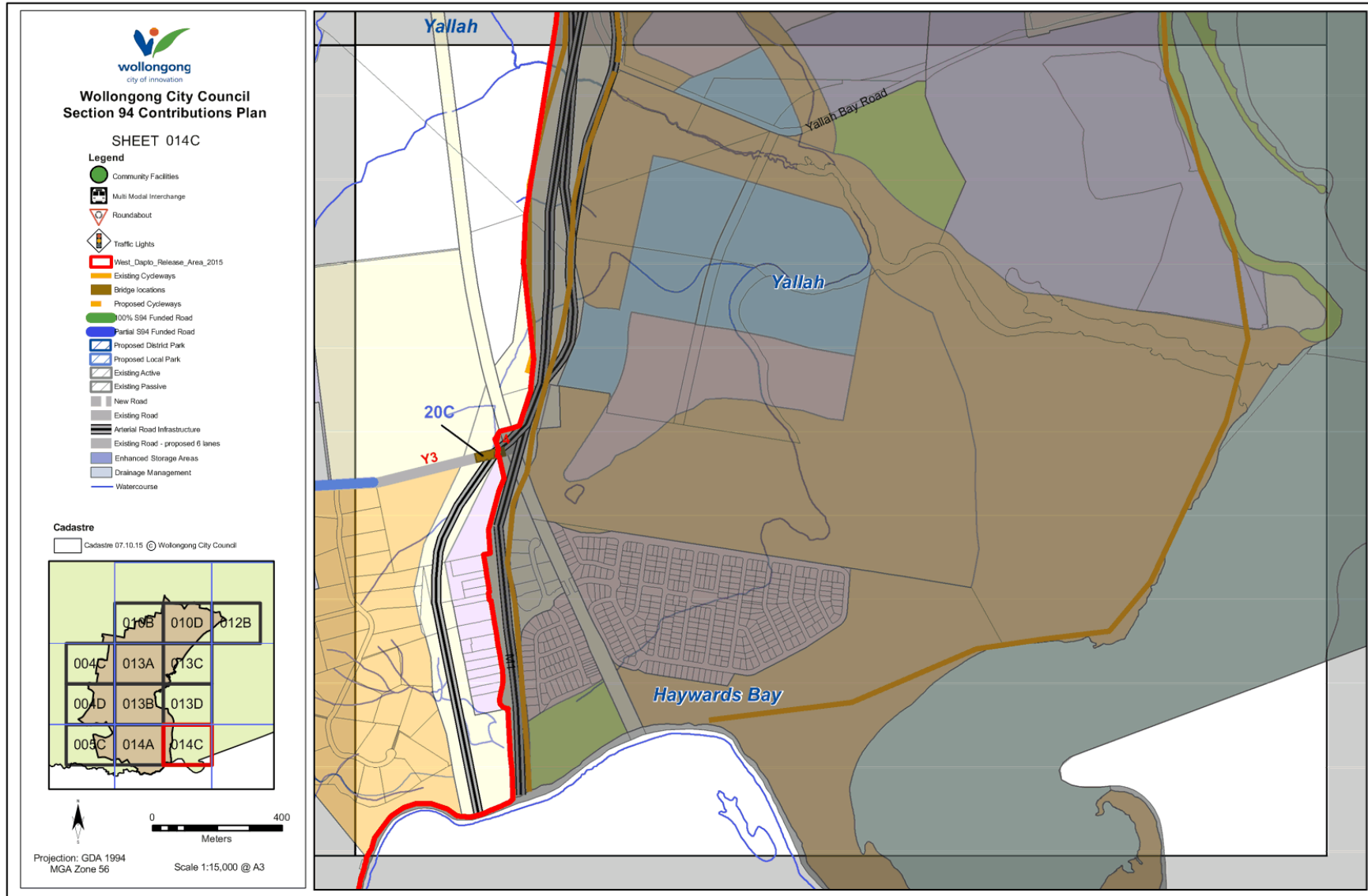
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ITEM 3

PROPOSED ACQUISITION OF 35 URALBA STREET, FIGTREE, UNDER THE VOLUNTARY PURCHASE SCHEME FOR FLOOD AFFECTED PROPERTIES

Council has an adopted Floodplain Risk Management Plan for the Allans Creek Catchment. The plan identifies flood mitigation works relating to numbers 33 and 35 Uralba Street, Figtree. More detailed investigations have revealed the acquisition of number 35 is the best option for flood mitigation in this catchment. The option benefits 15 properties and requires the acquisition of number 35 Uralba Street. This report recommends that Council acquire the property under the Voluntary Purchase Scheme for Flood Affected Properties.

RECOMMENDATION

- 1 Council authorise the acquisition of 35 Uralba Street, Figtree, as shown in attachment 1 to the report subject to the following conditions:
 - Funding being provided by the Office of Environment and Heritage (OEH) for the acquisition and demolition of the property;
 - Purchase price of \$710,000, excluding GST, for which OEH is responsible for two thirds of the cost being \$437,570 with Council responsible for payment of the remainder being \$236,430;
 - Each party be responsible for its own costs associated with the matter, including legal costs;
- 2 Upon the acquisition being completed, the land be classified as community land in accordance with the Local Government Act 1993;
- 3 The General Manager and Lord Mayor be authorised to sign any documentation necessary to finalise the acquisition and affix the Common Seal where necessary;
- 4 The General Manager be authorised to finalise the acquisition.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation (Acting)

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

ATTACHMENTS

- 1 Acquisition Location Map 35 Uralba Street Figtree

BACKGROUND

The Allans Creek Floodplain Risk Management Study and Plan completed in 2006 and adopted by Council identifies a range of flood mitigation options for this catchment.

Carrying out overland flow path works in the vicinity of numbers 33 and 35 Uralba Street, Figtree, was identified in the Floodplain Risk Management Study and Plan, as it provides significant flood risk mitigation benefit to the area.

The plan recommends purchase of number 33 Uralba Street, for the purpose of carrying out flood mitigation works and the raising of number 35 Uralba Street to limit flood damage to this property. More detailed investigations have been carried out on this option and they demonstrate the low point is located at 35 Uralba Street and not at 33 Uralba Street. Therefore, flood mitigation works should occur at 35 Uralba Street.

Council's Transport and Stormwater Section has requested Property Section purchase number. 35 Uralba Street, Figtree. In addition to the flood risk, severe voiding is appearing around the stormwater pipes increasing the risk to people and property at this location. The purchase of 35 Uralba Street, Figtree, will allow for both the mitigation of flood risk and asset management risk at that property.

The proposed purchase and demolition of 35 Uralba Street, and creation of formalised overland flow paths would also significantly benefit neighbouring properties and reduce flood risks to approximately 15 properties overall.

The Office of Environment and Heritage (OEH) has recently advised Council that it will be able to provide two thirds of the funding for the purchase and demolition of number 35 Uralba Street, Figtree, subject to the acquisition being completed before the end of the financial year, that is, by 28 June 2019. This has been confirmed verbally in discussions between OEH and Council's Transport and Stormwater Section, however, at the time of writing of this report had not been confirmed in writing. As the timeline to complete the acquisition is imminent, this approval is being sought pending, and subject to, confirmation by OEH.

If the funding is provided by OEH, Council's contribution to the purchase of the property is the same as would have been required to rehabilitate the stormwater pipes at the property. This is good value for Council in that purchasing the property not only addresses the storm water pipes issue but also benefits the adjoining neighbours and 15 other properties in the catchment.

Council obtained a market valuation report from the registered valuers Walsh and Monaghan for the property. The report determined a market value of \$710,000, excluding GST. As part of the current funding round this amount was offered to the owners in March 2019 and was accepted, however, was not progressed as funding had been exhausted. As part of the most recent conversations the timeframes were highlighted and the owners understand, and have agreed to, settlement occurring by or on 28 June 2019.

PROPOSAL

It is proposed that Council acquire 35 Uralba Street, Figtree, under the Voluntary Purchase Scheme for flood affected properties in line with the recommendations outlined in this report. Council has been advised unofficially that it will receive two thirds of the purchase price and two thirds of the demolition cost from the Office of Environment and Heritage.

CONSULTATION AND COMMUNICATION

- Floodplain Management and Stormwater Section;
- Walsh and Monaghan, Property Valuers;
- Office of Environment and Heritage;
- Property owners of number 35 Uralba Street, Figtree.

PLANNING AND POLICY IMPACT

This acquisition is in accordance with Council's policy "Land and Easement Acquisition and Disposal". Wollongong 2028 Community Goal and Objective – This report contributes to the Wollongong 2028 Objective "Implement a coordinated approach to floodplain and stormwater management" under the Community Goal "We value and protect the environment".

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2018-19 "sale and purchase of land on behalf of Council".

FINANCIAL IMPLICATIONS

Purchase and demolition of 35 Uralba Street, Figtree, will cost \$710,000 for the purchase and an additional \$60,000 for the demolition cost.

Once official approval is received in writing, OEH will contribute funds to Council under the Voluntary Purchase Scheme for flood affected properties worth \$473,570. Subject to timing of demolition (ie, within 6 months of the acquisition or via agreement with OEH), OEH will contribute and additional \$40,000 (two thirds of the cost of the demolition) towards the demolition cost.

On completion of the demolition there will be additional on-going maintenance costs estimated to be in the order of \$2,000 per annum. These will need to be budgeted for in the operational budget for park maintenance. Other Floodplain Mitigation works at this location will be considered as part of Council's Infrastructure Delivery Program.

CONCLUSION

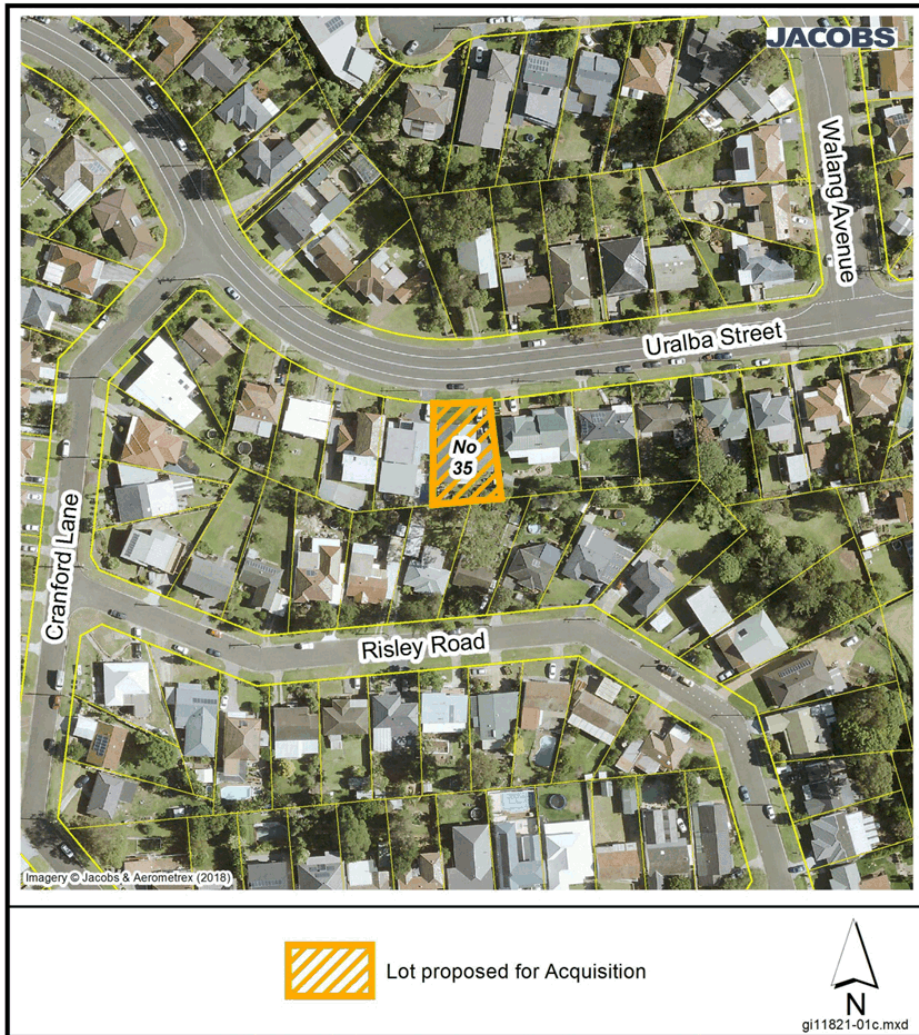
The acquisition is consistent with the recommendations in the Allans Creek Floodplain Risk Management Plan (2006) and will assist with mitigating the flood risk in the Allans Creek catchment in addition to addressing safety risks created by failing stormwater infrastructure at number 35 Uralba Street, Figtree.

If this recommendation was not supported, works to repair the pipes and surrounding ground would need to be carried out to the value of at least \$200,000. These works would not provide any flood benefits for the catchment. Also the works would be made redundant when Council implements future flood risk mitigation works for the catchment.

Subject to approval from OEH, the total cost of the acquisition and demolition of number 35 Uralba Street, Figtree, to Council will be \$236,430.



While every effort has been made to ensure the highest possible quality of data, no liability will be accepted for any inaccuracy of the information shown.
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ITEM 4 CROWN LAND - PLANS OF MANAGEMENT

The *Crown Land Management Act 2016* (CLM Act) came into effect on 1 July 2018. The CLM Act authorises Council to manage certain Crown Land as if it were public land under *the Local Government Act 1993* (LG Act).

On 29 October 2018 Council endorsed an initial classification and categorisation of the reserves and submitted them to the NSW Department of Industry – Crown Land. The Department has reviewed the requests for classification and the initial categorisation of the reserves. The Department has supported the majority of Council’s nominations for the reserves.

The next step is to prepare PoM for 46 Crown Reserves. All Crown Land that is classified as community land requires a CLM Act compliant Plan of Management (PoM) over the land by 30 June 2021. It is proposed that the PoM be prepared following preliminary consultation and Ministerial consent be sought for formal exhibition in accordance with the *Local Government Act 1993* and *Crown Lands Management 2016*.

RECOMMENDATION

- 1 The advice from the NSW Department of Industry – Crown Land concerning the classification and initial categorisation of Council Managed Crown Reserves be noted.
- 2 Crown Land Management Act 2016 compliant Plans of Management be developed in three stages, as outlined in this report.
- 3 Further reports will be provided to Council following preliminary community consultation seeking a resolution to forward draft Plans of Management for Ministerial consent to allow public exhibition of those Plans.
- 4 A letter be sent to the Minister for Water, Property and Housing and the Minister for Planning and Public Spaces (jointly responsible for the Crown Lands Management Act 2016) outlining Council’s concern over the inadequate funding provided by the State for Council to prepare Plans of Management for Crown Land.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Mark Riordan, Director Planning and Environment - Future City and Neighbourhoods (Acting)

ATTACHMENTS

- 1 The 46 Crown Reserves

BACKGROUND

On 1 July 2018 the *Crown Lands Act 1989* was repealed and replaced with the CLM Act. Council manages approximately 944 hectares of Crown Reserves that includes open space, beaches, parks, sportsgrounds, community facilities, tourist sites, natural areas and cemeteries.

Council manages two types of Crown Reserves:

- 1 Reserves where Council is the “Council Crown Land Manager” for the land. Council may grant a tenure (license, lease or easement for example) over the land subject to the requirements of the CLM Act. Council is the Council Crown Land Manager for 51 Crown land reserves covering approximately 584 hectares.

- 2 “Devolved” reserves, where Council manages the land as a caretaker. Council maintains devolved land for its use by the public for its reserve purpose or purposes but does not have the authority to grant tenure over the Crown Land. Council manages 20 Crown Land reserves that are “devolved” reserves which cover approximately 360 hectares.

Some examples of devolved reserves include Helensburgh Cemetery, Bulli Cemetery, Garrawarra Cemetery, Wollongong Cemetery, some foreshore lands around Lake Illawarra, and part of Lang Park. These reserves are not subject to the requirements outlined in this report.

Under the CLM Act legislation, Council is required to classify and manage Crown Land, where it is the Council Crown Land Manager, as if it were public land under the LG Act.

The CLM Act requires Council to:

- 1 Nominate a classification for the Crown Land as either Community Land or Operational Land (similar to how Council land is classified under the LG Act)
- 2 Nominate an initial categorisation of the Community Land that reflects the reserve purpose (similar to how Council land is categorised under the LG Act). (Figure 1 lists the categories.)
- 3 Prepare Plan(s) of Management for the Community land, over the next three years. Plans of Management are to be prepared by 30 June 2021. A Plan of Management over the land may introduce further categories in addition to the initial category.

On 29 October 2018, Council considered a report on the proposed classification and initial categorisation of the 51 reserves where Council is the Crown Land Manager.

The report proposed that:

- 42 reserves remain classified as Community Land and nominated an initial categorisation that best matched the existing reserve purpose.
- Three reserves be classified as Operational Land, including the Austinmer and Otford Rural Fire Service Station sites, and some of the land occupied by Helensburgh Community Hall (the Hall is also partially on Council owned Operational Land).
- The three large coastal reserves which contain the Bulli, Corrimal and Windang Tourist Parks be partially classified as Operational Land (the Tourist Parks) and the remainder retain a Community Land classification.
- Parts of three other reserves, namely the Bulli Pass Scenic Reserve, Hill 60 and Bulli Gateway, be partially classified as Operational Land and the remainder retain a Community Land classification.

Council resolved that:

- 1 *Council endorse the initial classification and categorisation of Crown Land as identified in Attachment 1, of the report.*
- 2 *The General Manager be authorised to finalise and submit a Classification of Crown Land as operational land form to apply for Ministerial consent to classify and manage the Crown land identified in Attachment 1 Part 3, of the report, as Operational Land.*
- 3 *The General Manager be authorised to finalise and provide written notice of initial categorisation applied to Crown Land under the management of Council as a Crown Land Manager under section 3.23 of the Crown Land Management Act as identified in Attachment 1 Parts 1 and 2, of the report.*

The initial classifications and categorisations were submitted to the NSW Department of Industry – Crown Land.

On 14 March 2019 the Department of Industry – Crown Land advised that it had reviewed Council's requests for Operational Land classification and the initial categorisation of each Crown reserve. In terms of the Operational Land requests, the Department:

- Approved the Austinmer (R180047) and Otford Bushfire Brigade reserves (R96789) being classified as Operational Land.
- Did not support the following three reserves being part or fully Operational Land and they will remain Community land:
 - Helensburgh War Memorial Hall (the Hall is also partially located on Council owned Operational Land)
 - Part of Bulli Pass Scenic Reserve, and
 - Part of Bulli Gateway Reserve.
- Deferred a decision on the three Council managed Tourist Parks at Bulli, Corrimal and Windang.

In relation to the tourist parks, the Department advised:

“Three Crown reserves (R81722, R95911 and R53977) comprising of caravan, tourist and camping grounds are on hold pending the outcome of departmental policy position and have not be dealt with as part of this request. Council will be notified of the outcome and request to classify land as operational on confirmation of the policy position.”

In terms of the requests for the initial categorisation of the reserves, the Department:

- Approved the submitted categorisation of 43 reserves, as they most closely align with the reserve purpose.
- Determined that Bulli Park (R580062) should be categorised as Park rather than Sportsground.
- Determined that Bulli Gateway (R1004388) be categorised as General Community Use.
- Determined that Helensburgh Community Hall (R500332) be categorised as General Community Use.
- Advised that the categorisation of the three Council managed Tourist Parks at Bulli, Corrimal and Windang. (R81722, R95911 and R53977) has been placed on hold pending a departmental policy position on the future management of caravan and tourist parks.

Accordingly, 46 Crown Reserves have been classified as Community Land and had their initial categorisation confirmed. Council can now start the process of preparing a PoM for each of these Reserves (Attachment 1), which is the subject of the remainder of this report.

PROPOSAL

In relation to the recent determination of classification and categorization, the Department of Industry – Crown Lands advised that:

“Council is encouraged to progress the preparation of draft Plans of Management (PoMs). As required under the Local Government Act 1993 (LG Act) the draft PoMs must be referred to the landowner prior to public exhibition”

Developing a Plan of Management over the Crown land allows Council the opportunity to consult with the community on how these lands are managed by Council and to consider if additional community land categories, beyond the CLM Act required “initial category” should be applied to the land.

Land that is classified as Community Land can be categorised as Park, Sportsground, General Community Use, Area of Cultural Significance and Natural Area. Natural Area categorised land is further sub-categorised as either Bushland, Wetland, Escarpment, Watercourse and Foreshore. The possible Community Land categories that may apply to Community Land are shown in Figure 1.

Figure 1: Public Land under the Local Government Act 1993 – Classification and Categorisation



Each Community Land category has legislative “core objectives” which any lease or license authorised in Plan of Management needs to be consistent with. This is a new requirement for Crown land that is classified as community land and is a result of the CLM Act legislation.

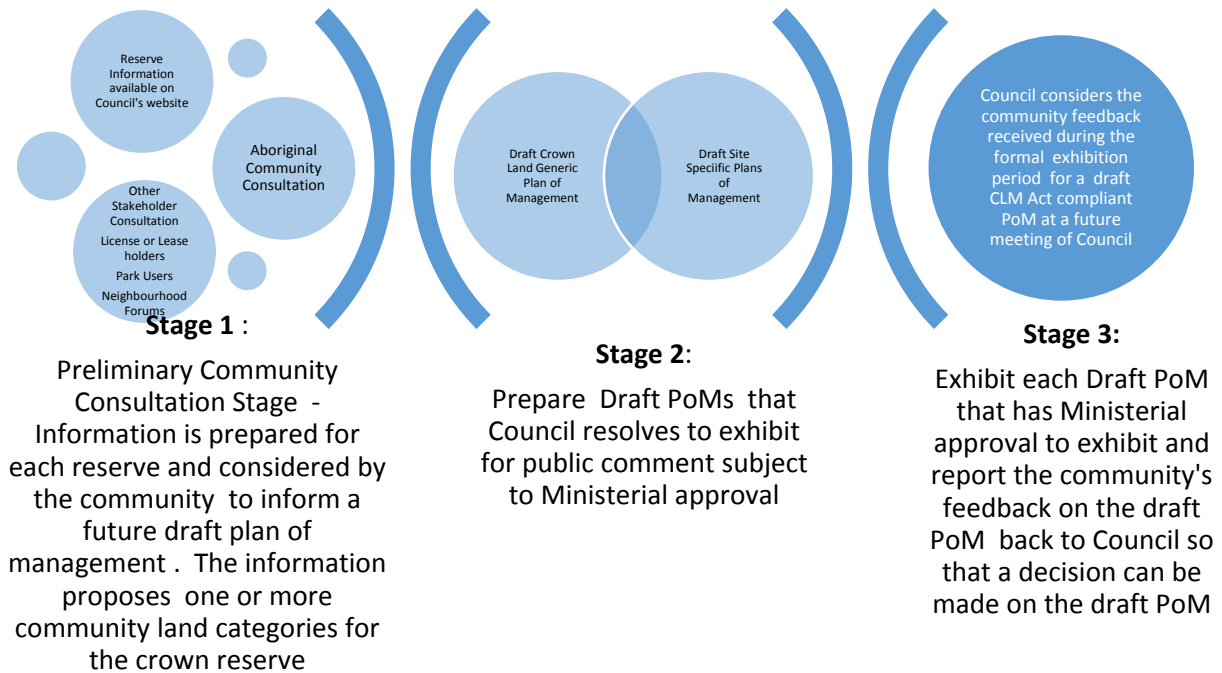
For Council owned Reserves, Council currently has adopted a Generic Plan of Management (2018), as well as eight PoMs for specific locations (most recently Beaton Park). The PoMs for Andrew Lysaght Park, the Wollongong City Foreshore (the Blue Mile) and Stanwell Park Reserve - Bald Hill Lookout which include substantial portions of Crown land, do not meet the requirements of the new CLM Act.

CLM Act compliant Plan of Management Development

Council officers have attended training on how to best meet the legislative requirements under the CLM Act relating to meeting Native Title obligations and PoM development. As a result, it is proposed that the development of CLM Act compliant PoMS should follow these stages as noted below and shown in Figure 2:

- Stage 1:** Preliminary Community Consultation to inform future draft PoMs
- Stage 2:** Preparing Draft Plans of Management that are CLM Act compliant
- Stage 3:** Exhibiting Draft CLM Act compliant Plans of Management subject to Minister’s consent and reporting the community feedback on those draft Plans of Management to Council

Figure 2: The proposed stages of the development of CLM Act compliant Plans of Management under the Local Government Act 1993 over certain Crown reserves



Begin Stage 1: the Preliminary Consultation Phase for 46 Crown Reserves

Council Officers have commenced preparing community consultation information for 46 Crown Reserves and has been informally talking with key stakeholders (the Aboriginal community, current lease and license holders, neighborhood forums) about developing PoM. Information on each reserve will be available on Council's website in the Have Your Say section so that interested persons and organisations can review the information and provide feedback to Council. Feedback from the preliminary community consultation stage can assist Council with determining:

- How is the land currently being used by the community and does this meet community needs?
- Are additional community land categories beyond the initial category required to address how the land is being used by the community?

The information gathered in the preliminary consultation phase will be used to assist Council in its preparation of draft PoM. It is envisioned that most Crown reserves will be managed through a generic PoM. Some reserves however will have their own site-specific PoM developed. Preliminary consultation will inform Council's determination on this matter.

CONSULTATION AND COMMUNICATION

Council's Property and Recreation, Governance, Open Space, Community Cultural and Economic Development Divisional Teams have been consulted during the review of Crown Reserves and current PoMs and have been instrumental in preparing information that will form the preliminary community consultation on each of the 46 Crown Reserves.

Community consultation for Stage 1 – *Preliminary Community Consultation to inform the preparation of future CLM Act compliant Plans of Management*, will be undertaken by:

- Preparing community consultation information on each of the 46 Crown Reserves and posting this information on Council's website for community feedback.
- Notifying all key stakeholders - via e-mail or letter - of the information available on Council's website and seeking their input on how the relevant reserve is currently managed by Council. Key stakeholders are currently identified as follows:
 - The South Coast People – the native title claim group with a registered claim seeking recognition of their native title rights and interests within the Wollongong Local Government Area (and beyond). The South Coast People are represented by NTSCORP Limited, a native title service provider for traditional owners in NSW and the ACT. Crown land can be the subject of a native title claim under the Native Title Act 1993 (Cth). The Act provides for the legal recognition of the traditional rights and interests which Aboriginal people have in land and water. There are approximately 170 undetermined native title claims throughout Australia.
 - NSW Aboriginal Land Rights Act 1983 (ALRA) Claimants. The ALRA enables State and Local Aboriginal Land Councils to claim Crown Land to compensate them for historic dispossession of land and to support their social and economic development. There are undetermined ALRA land claims across NSW; the NSW Land Council has made a claim across all of the Crown land in South East NSW.
 - Members of Council's Aboriginal Reference Group (*Council will seek their direction for broader Aboriginal community consultation*).
 - Neighborhood Forums.
 - Current lease and license holders over the 46 Crown Reserves.
 - Volunteer groups who assist Council's activities on the 46 Crown Reserves.
 - Property owners of land adjoining the 46 Crown Reserves.

The draft PoM will be reported to Council for endorsement to be submitted to the Minister of Lands / Department of Industry – Crown Lands. Ministerial / Department consent is required prior to the commencement of formal exhibition.

Each draft PoM is required to be exhibited for a minimum of 28 days with a further period of 14 days allowed for the public to lodge a submission in writing, making it a 42 day exhibit and comment period. Depending on the content of a draft PoM, public meetings chaired by independent chairpersons may be required.

Following the exhibition period, a post exhibition report will be prepared and submitted to Council seeking the finalization of the PoM.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goals: We value and protect our environment. We are a healthy community in a liveable city.

It specifically delivers on core business activities (Community Land Management Planning) as detailed in the Land Use Planning Service Plan 2018-19.

RISK ASSESSMENT

Council is required to have a compliant PoM over Crown Land before it can issue any licenses or leases of Crown Land not permitted by the transitional provisions of the CLM Act. Under the legislation Council is required to have PoMs over Crown land by 30 June 2021. Preliminary community consultation as

outlined in this report should facilitate a determination of the number of site specific PoM required compared to generic PoMs for the 46 Crown reserves.

FINANCIAL IMPLICATIONS

Each Local Government Area has received a nominal grant from NSW Department of Industry – Lands and Water to assist with the preparation of Plans of Management, based on a formula. Council has received a grant of \$39,652.

As part of the draft Budget, Council has allocated \$369,352 over 3 years to employ an additional resource to assist with the preparation of the required Plans of Management for Crown Reserves. Council is also required to fund the exhibition and public hearing costs, estimated at \$8,000 per plan. The State contribution of \$39,652 represents only a small percentage of the estimated cost. It is recommended that Council send letters to the Minister for Water, Property and Housing and Minister for Planning and Public Spaces (jointly responsible for the Crown Lands Management Act 2016) outlining Council's concern over the inadequate funding provided by the State for Council to prepare Plans of management for State owned Crown Reserves.

CONCLUSION

The classification and initial categorisation of 46 Crown Reserves has been determined. The next step is preliminary community consultation to assist in the development of a Crown Reserve Generic Plan of Management and a small number of site-specific Plans of Management. Developing CLM Act compliant PoM by 30 June 2021 will enable Council to continue to provide quality open spaces, parks, sportsgrounds, and natural areas to the community.

46 Crown Reserves Proposed for Stage 1 – Preliminary Community Consultation for future CLM Act compliant draft Plan of Managements

Crown Reserve Name	Gazetted Date	Initial Category	Reserve Number (Row #)	Purpose	Suburb
ANDREW LYSAGHT PARK	17/10/1969	Park	1000384 (1)	Public Park	WOLLONGONG
AUSTINMER BEACH AND RESERVES	16/11/1973	Park	89084 (2)	Public Recreation	AUSTINMER
AUSTINMER BOATHARBOUR, PINECOURT PARK	16/03/1973	Park	88873 (3)	Public Recreation	WOMBARRA, AUSTINMER, COLEDALE
BATTERY PARK RESERVE	3/01/1947	Park	72138 (4)	Public Recreation	WOLLONGONG
BELLAMBI LAGOON	18/03/1988	Park	180029 (5)	Public Recreation	BELLAMBI
BELLAMBI POINT RESERVE	8/01/1971	Park	88075 (6)	Public Recreation	WOONONA, BELLAMBI
BRIGHTON LAWN	19/09/1906	Park	40908 (7)	Public Recreation	WOLLONGONG
BULLI GATEWAY	8/04/2005	General Community Use	1004388 (8)	Tourist Facilities And Services	THIRROUL
BULLI PARK	31/05/1887	Park	580062 (9)	Park	BULLI
BULLI PASS SCENIC RESERVE	1/07/1938	Park	67711 (10)	Public Recreation	AUSTINMER, MADDENS PLAINS
BULLI ROCK POOL - REPLACED BY NEW POOL	13/02/1904	Park	37214 (11)	Public Baths	BULLI
COLLINS PARK	25/06/1971	Park	88274 (12)	Public Recreation	WOONONA
CORRIMAL MEMORIAL PARK	2/09/1921	Park	580087 (13)	Park	CORRIMAL
DARKES FOREST	7/02/1958	General Community Use	80366 (14)	Public Hall~Public Recreation	DARKES FOREST
FLAGSTAFF POINT	31/10/1941	Park	580103 (15)	Public Recreation	WOLLONGONG
GLADSTONE PARK	5/12/1919	Park	580081 (16)	Public Recreation	BERKELEY
HARRY MORTON PARK	15/01/1943	Park	70792 (17)	Public Recreation	PORT KEMBLA
H'BURGH & DISTRICT HISTORICAL SOCIETY MINE MUSEUM	28/03/1947	Park	72217 (18)	Public Recreation	HELENSBURGH
HELENSBURGH - PROPOSED POUND SITE	17/11/1978	General Community Use	91278 (19)	Public Pound Purposes	HELENSBURGH
HELENSBURGH BABY HEALTH CENTRE	11/01/1946	General Community Use	1000263 (20)	Baby Clinic, Community Purposes, Government Purposes	HELENSBURGH
HELENSBURGH COMMUNITY HALL	4/06/1943	General Community Use	500332 (21)	Hall~War Memorial	HELENSBURGH
HELENSBURGH FLORA & FAUNA RESERVE	3/05/1957	Natural Area-Bushland	79561 (22)	Native Fauna~Preservation Of Native Flora~Public	HELENSBURGH

Crown Reserve Name	Gazetted Date	Initial Category	Reserve Number (Row #)	Purpose	Suburb
				Recreation	
HELENSBURGH PARK	8/10/1898	Park	500340 (23)	Public Recreation	HELENSBURGH
HELENSBURGH PARK	29/03/1892	Park	500345 (24)	Public Recreation	HELENSBURGH
HELENSBURGH PRE-SCHOOL	2/09/1977	General Community Use	90884 (25)	Kindergarten	HELENSBURGH
HILL 60	6/07/1984	Park	97344 (26)	Public Recreation	PORT KEMBLA
J A BEATSON PARK	8/01/1913	Park	580078 (27)	Public Park	WOLLONGONG
LANG PARK FORESHORE RESERVE	12/07/1911	Park	580076 (28)	Public Recreation	WOLLONGONG
MATTHEWS PARK	15/07/1966	Park	85882 (29)	Public Recreation	PORT KEMBLA
NICHOLSON PARK	29/11/1899	Park	580071 (30)	Public Park	WOONONA
NORTH WOLLONGONG SLSC	13/04/1945	Park	71482 (31)	Baths~Public Recreation	WOLLONGONG, NORTH WOLLONGONG
OTFORD PARK	27/12/1946	Park	72128 (32)	Public Recreation	OTFORD
PATRICK MCCARTHY HALL - HALL DESTROYED BY FIRE	6/06/1969	General Community Use	87211 (33)	Public Hall	HELENSBURGH
PIONEERS REST PARK	7/11/1940	Park	580102 (34)	Public Park	WOLLONGONG
PROUD PARK	28/10/1905	Park	39863 (35)	Public Recreation	HELENSBURGH
SOUTH THIRROUL BEACH	12/02/1913	Park	48554 (36)	Public Recreation	BULLI, THIRROUL
STANWELL PARK	5/05/1961	Park	83095 (37)	Public Recreation	STANWELL PARK
STUART PARK	29/09/1885	Park	580060 (38)	Park	NORTH WOLLONGONG
SURF LIFE SAVING HEADQUARTERS	25/09/1987	General Community Use	180016 (39)	Community Purposes	WOLLONGONG
TARRAWANNA TEACHERS COLLEGE	8/04/1971	Park	88200 (40)	Public Recreation	BALGOWNIE
THIRROUL RESERVE	7/12/1973	Park	89099 (41)	Public Recreation	THIRROUL
TOWRADGI COMMUNITY HALL	25/09/1953	General Community Use	580082 (42)	Public Hall	TOWRADGI
Unnamed Reserve	29/03/1974	General Community Use	89168 (43)	Parking	PORT KEMBLA
WARRAWONG RESERVE TRUST	4/03/1988	Park	180030 (44)	Public Recreation	CRINGILA, WARRAWONG, LAKE HEIGHTS
WISEMAN PARK	8/01/1913	Park	580077 (45)	Park	GWYNNEVILLE
WOLLONGONG RESERVE TRUST	10/05/1963	Park	84424 (46)	Public Recreation	WOLLONGONG

ITEM 5

LOCAL GOVERNMENT REMUNERATION TRIBUNAL - ANNUAL FEES PAYABLE TO LORD MAYOR AND COUNCILLORS 1 JULY 2019 TO 30 JUNE 2020

The Local Government Remuneration Tribunal has made determinations under Section 241 of the *Local Government Act 1993* in respect of the annual fees payable to the Lord Mayor and Councillors effective from 1 July 2019.

RECOMMENDATION

The annual fees payable for the period 1 July 2019 to 30 June 2020 be:

- 1 \$32,040 for each Councillor including the Lord Mayor.
- 2 \$99,800 additional fee for the Lord Mayor.

REPORT AUTHORISATIONS

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

ATTACHMENTS

- 1 2019 Local Government Remuneration Tribunal Annual Determination of Councillor and Lord Mayoral Fees

BACKGROUND

The *Local Government Act 1993* (the Act) provides for the establishment of a Local Government Remuneration Tribunal to determine categories for councils, together with annual fees payable to Mayors and Councillors. The Tribunal, in accordance with Section 241 of the Act, must determine no later than 1 May each year the minimum/maximum fees payable for Councillors and Mayors for each category.

Council is required under the Act to determine the fee to be paid to the Lord Mayor and Councillors. Section 248 of the Act stipulates that a council must pay each Councillor an annual fee in accordance with the Tribunal's determinations, the annual fee is to be the same for each Councillor and Council is able to pay that fee having regard to the category established by the Tribunal.

In setting the fee Council may fix a fee that is equal to or greater than the minimum but not greater than the maximum for the appropriate category. When Council declines to fix a fee, it must pay the appropriate minimum fees as determined by the Tribunal. Wollongong City Council is categorised as 'Regional City' and the proposed fee represents a 2.5% increase to the previous year's fee.

PROPOSAL

This report recommends the full increase be applied to Lord Mayoral and Councillors' fees for 2019/20, with the maximum fee being paid.

Wollongong City Council is categorised as a Regional City. Pursuant to s.241 of the Act 1993, the annual fees to be paid to Councillors and Lord Mayor, effective on and from 1 July 2019 are as follows:

Category	Councillor Annual Fee		Lord Mayoral Fee	
	2018/2019	2019/2020	2018/2019	2019/2020
Regional City	\$31,260	\$32,040	\$97,370	\$99,800

CONSULTATION AND COMMUNICATION

In December 2018 the Tribunal sought submissions from any council in relation to categorisation, fees and any general matters. Wollongong City Council did not make any submission to the tribunal as part of this review.

This report has been prepared on advice received from the Local Government Remuneration Tribunal and in accordance with the provisions of the *Local Government Act 1993*.

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 Administration Service Plan 2018-19.

FINANCIAL IMPLICATIONS

There are enough funds in the 2019-20 budget to meet a 2.5% increase as determined by the Tribunal.

CONCLUSION

The Tribunal has determined that the minimum and maximum fees applicable for the purposes of remuneration of local government elected representatives will be increased by 2.5 per cent, consistent with the government’s policy on wages. It is recommended Council adopt the proposed fees for 2019-20 as outlined in this report.

**Local
Government
Remuneration
Tribunal**

**Annual Report
and
Determination**

*Annual report and determination under sections 239 and
241 of the Local Government Act 1993*

**15 April
2019**

Local Government Remuneration Tribunal

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Local Government Remuneration Tribunal

Executive Summary

The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Planning and Public Spaces by 1 May each year as to its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

The Tribunal did not undertake a broad review of the categorisation of councils and considered only those requests where an individual submission was made. The Tribunal found that the current allocation of councils into the current categories is appropriate.

The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020. The criteria applicable to each of the categories are published in Appendix 1 of the determination and are unchanged from 2018.

Fees

The Tribunal has determined that the minimum and maximum fees applicable to each category will be increased by 2.5 per cent which is consistent with the government's policy on wages.

Local Government Remuneration Tribunal

Section 1 Introduction

1. The role of Assessor assisting the Local Government Remuneration Tribunal (the Tribunal), pursuant to section 236 (1) (b) of the *Local Government Act 1993* (the LG Act) was undertaken by Mr Ian Reynolds from 1 July 2015 until the expiration of his appointment on 27 November 2018. The Tribunal thanks Mr Reynolds for his contributions over those years.
2. On 28 November 2018, Dr Robert Lang was re-appointed as the Tribunal and Mr Brian Bell PSM was appointed to the role of Assessor assisting the Tribunal pursuant to section 236 (1) (b) of the LG Act. The role of Assessor assisting the Tribunal pursuant to 236 (1) (a) continues to be undertaken by Mr Tim Hurst, CEO, Office of Local Government, Department of Planning and Environment.

Section 2 Background

3. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
4. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
5. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A (1) of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
6. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy pursuant to section 242A (3) of the LG Act.

Local Government Remuneration Tribunal

7. The Tribunal's determinations take effect from 1 July in each year.

Section 2 2018 Determination

1. The Tribunal considered ten requests for re-categorisation having regard to the case put forward and the criteria for each category. A multi variable approach was adopted in assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
2. The Tribunal noted that at the time of making the determination only the population data as of 2016 was available.
3. The Tribunal found that the current categorisation for the ten councils was appropriate and noted that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations in the medium term.
4. The Tribunal's 2018 Determination was made on 17 April 2018 and provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.

Section 3 2019 Review

5. The Tribunal wrote to all mayors in December 2018 advising of the commencement of the 2019 Annual Review. In doing so the Tribunal noted that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.
6. The Tribunal also stated that it does not intend to alter the groups that apply to individual councils unless there is a very strong case to do so. Any requests for a review should be supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
7. The Tribunal also wrote to the President of Local Government NSW (LGNSW) in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal thanks the President and Chief Executive for making the time to meet with the Tribunal.
8. In response to this review the Tribunal received 20 submissions from individual councils and a submission from LGNSW. Those submissions addressed the allocation of councils into

Local Government Remuneration Tribunal

those categories and fees. The Tribunal also received a submission from a joint organisation requesting that the Tribunal determine the fees for members of the boards of joint organisations. A summary of the matters raised, and the Tribunal's consideration of those matters is outlined below.

Categorisation

9. Ten submissions received from councils requested re-categorisation now and two submissions requested re-categorisation when the Tribunal considers the categories in detail in 2020. Each of the ten requests for re-categorisation now were considered having regard to the case put forward and the criteria for each category.
10. At the time of making the determination the Tribunal had available to it the 30 June 2018 population data released by the Australian Bureau of Statistics (ABS) on 27 March 2019. In reviewing the submissions received the Tribunal also applied a multi variable approach assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
11. The Tribunal finds that the allocation of councils into the current categories is appropriate but again notes that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations.
12. A few submissions have suggested alternative categorisation models. The Tribunal will consider this in detail in the 2020 review. The Tribunal intends to commence the 2020 annual review earlier than usual to ensure there is time to review the existing model and to examine alternatives. The Tribunal is of the preliminary view that a case may exist to revise the number of categories, and their applicable criteria, particularly for regional and rural councils.
13. A summary of the Tribunal's findings for each of the 2019 applications for re-categorisation is outlined in the following paragraphs.

Metropolitan Large

14. Canterbury-Bankstown and Penrith have sought re-categorisation to new categories noting that no changes to the categories of councils are planned until 2020. Canterbury-Bankstown has proposed a new categorisation model for consideration in the 2020 review. The proposed model would provide different categories for metropolitan councils. Penrith

Local Government Remuneration Tribunal

has again sought to be re-categorised to a new category - 'Metropolitan Large – Growth Centre'.

15. Both councils may wish to provide further details for consideration in the 2020 annual review.

Metropolitan Medium Councils

16. Inner West has again sought to be re-categorised to Metropolitan Large. The Tribunal outlined in the 2018 determination that Inner West did not demonstrate enough additional criteria to warrant re-categorisation at that time, but with population growth the council would likely be more comparable with other Metropolitan Large councils in the short to medium term.
17. The Tribunal has again considered in detail the features of Inner West having regard to the other criteria for Metropolitan Large councils. The Tribunal finds that Inner West does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as other Metropolitan Large councils. This is supported by development and planning information published by the Greater Sydney Commission.
18. Inner West's June 2018 population of 198,024 is below the indicative population of other Metropolitan Large councils. Based on existing growth predictions it is likely Inner West will meet the minimum population threshold for inclusion in Metropolitan Large in 2020.

Metropolitan Small Council

19. Willoughby and Camden have sought to be re-categorised to Metropolitan Medium.
20. Willoughby's June 2018 population of 80,339 is below the indicative population of Metropolitan Medium Councils. The Tribunal outlined in the 2018 determination that Willoughby sought recognition of its scale of operations and businesses and regional significance of its centres and high percentage of non-resident visitors and workers. The Tribunal found the characteristics of the council were more appropriately aligned with those of other Metropolitan Small councils and found no case for it to be re-categorised at that time.
21. Willoughby's 2019 submission argues there is an over emphasis on resident population and no recognition of the complexity or burden on high volumes of non-resident populations.
22. As previously stated, the Tribunal considers a range of factors (not only population) in determining categories as required under section 240 of the LG Act. The Tribunal has again considered in detail the features of Willoughby having regard to the other criteria for other

Local Government Remuneration Tribunal

Metropolitan Medium councils and finds that Willoughby has not demonstrated the criteria to warrant inclusion in the Metropolitan Medium group at this time.

23. Camden's 2018 population of 94,159 is below the indicative population of Metropolitan Medium councils. The Tribunal has considered the features of Camden having regard to the other criteria for Metropolitan Medium councils. The Tribunal finds that Camden does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as Metropolitan Medium councils. The Tribunal notes however that the ABS identifies that Camden has the largest and fastest population growth in NSW. Based on existing growth predictions it is likely Camden will meet the minimum population threshold for inclusion in Metropolitan Medium in 2020.

Regional Strategic Area Councils

24. Central Coast has sought to be re-categorised to Regional City. The council submits that its characteristics are more like Newcastle and Wollongong (Regional City) and substantially different to Lake Macquarie (Regional Strategic Area). The Tribunal finds that Central Coast has not demonstrated the additional criteria to warrant inclusion in the Regional City group.

Regional Rural Councils

25. Shellharbour and Port Macquarie have sought re-categorisation to Regional Strategic Area.
26. Shellharbour's June 2018 population of 72,240 is significantly below the indicative population of Regional Strategic Area councils. In addition, the submission was not supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
27. Port Macquarie's June 2018 population of 83,131 is significantly below the indicative population of Regional Strategic Area councils. The Tribunal finds that Port Macquarie has not demonstrated the additional criteria to warrant inclusion in the Regional Strategic Area group.
28. Port Macquarie (as an alternative) and Mid-Coast sought to be re-categorised to a new category between Regional Strategic Area and Regional Rural. Both councils may wish to provide further details for consideration in the 2020 annual review.

Rural Councils

29. Muswellbrook and Federation have sought to be re-categorised to Regional Rural.

Local Government Remuneration Tribunal

30. Muswellbrook's June 2018 population of 16,383 and Federation's June 2018 population of 12,462 are well below the indicative population of Regional Rural councils. Both councils have not demonstrated the additional criteria to warrant inclusion in the Regional Rural group.
31. The Tribunal also undertook a review of Hilltops having regard to its 2018 submission and the Tribunal's findings that re-categorisation at that time was not warranted:

"41. Hilltops Council has sought to be re-categorised from Rural to Regional Rural. The new Hilltops Council is an amalgamation of three former councils in the Rural category (Young, Boorowa and Harden). The submission states that the new council has increased complexity of business and should be recognised as Regional Rural.

42. The Tribunal notes that Hilltops has a population of 19,150 (2016) which is just below the indicative population range of Regional Rural councils. The category of Regional Rural currently includes one council – Broken Hill – which has a population similar to that of Hilltops. Broken Hill warrants categorisation as Regional Rural in recognition of the degree of regional servicing it provides to far western NSW. It is not considered that Hilltops provides the same degree of regional services and on that basis re-categorisation is not warranted at this time."

32. Hilltops' June 2018 population of 18,782 is below the indicative population range of Regional Rural councils. The Tribunal has reviewed the additional criteria and finds no reason to alter its findings as outlined in the 2018 determination.

Fees

33. The LGNSW submission requested that the Tribunal increase fees by the allowable maximum of 2.5 per cent. The submission also repeated its view that the current arrangement for setting fees is inadequate and does not compensate elected members for the significant workload and range of responsibilities which are expanding. Comparative information was presented in respect to board fees, fees paid to mayors and councillors of councils in Queensland, and salaries for members of Parliament. A report detailing the findings of an independent review conducted on current remuneration paid to councillors and mayors was also provided. The LGNSW submission

Local Government Remuneration Tribunal

also requested that the Tribunal make a recommendation in support of the payment of superannuation.

34. Several submissions sought an increase to the allowable maximum of 2.5 per cent and raised similar issues to LGNSW in respect to the current fees not being adequate compensation for increased responsibilities and workload required to carry out mayoral and councillor duties and non-payment of superannuation. Several submissions also sought an increase significantly higher than the allowable 2.5 per cent or that fees be increased by benchmarking them to Principal CBD fees or population per councillor or using the base salary and allowances for Members of Parliament in the relevant region.
35. Two submissions also raised the matter of fees for deputy mayors. The Tribunal addressed this matter in the 2018 determination and will make no further comment.
36. The Tribunal has considered the submissions received. The Tribunal is mindful that the roles and responsibilities of councillors and mayors in NSW are outlined in the LG Act and notes that they are not necessarily comparable to the roles and responsibilities of councillors and mayors in other states, members of Parliament or members of boards and committees.
37. The Tribunal again notes that some of the other matters raised by submissions are more appropriately dealt with in the context of the current Local Government reform agenda and are outside the Tribunal's powers.
38. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
39. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.

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Other matters

40. The submission from LGNSW and several councils have again raised the matter of the non-payment of superannuation. The Tribunal addressed this matter in the 2018 determination as outline below and will make no further comment:

“54. The matter of the non-payment of superannuation has been previously raised in submissions to the Tribunal and is not a matter for the Tribunal to determine. Section 251 of the LG Act confirms that councillors are not employees of the council and the fee paid does not constitute a salary under the Act. The Tribunal notes that the Australian Tax Office has made a definitive ruling (ATO ID 2007/205) that allows councillors to redirect their annual fees into superannuation on a pre-tax basis and is a matter for councils (Ref: Councillor Handbook, Oct 2017, Office of Local Government p.69).”

41. The Tribunal also received a submission from the Canberra Region Joint Organisation (CRJO) although no invitation to do so was issued by the Tribunal. The CRJO has requested that the Tribunal set chair and member fees for joint organisations in the 2019 annual determination.
42. The Tribunal is constituted under Chapter 9, Part 2, Division 4 of the LG Act. The Tribunal’s determinations apply to Councils, Mayors and Councillors within the meaning of Chapter 9 of the LG Act.
43. Joint organisations, including the Board of a joint organisation, are constituted under Chapter 12, Part 7 of the LG Act. The Tribunal’s jurisdiction does not apply to joint organisations, as provided for in section 400ZH(3)(e) of the LG Act.
44. On that basis the Tribunal has no power to consider the CRJO submission and it is a matter that the CRJO may wish to raise with the Minister for Planning and Public Spaces who is the Minister responsible for the LG Act. The Tribunal has written to the CRJO in the above terms.

Conclusion

45. The Tribunal’s determinations have been made with the assistance of the two Assessors - Mr Brian Bell and Mr Tim Hurst. The allocation of councils into each of the categories,

Local Government Remuneration Tribunal

pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, are outlined in Determination No. 2.

The Local Government Remuneration Tribunal

(Signed)

Dr Robert Lang

Dated: 15 April 2019

Local Government Remuneration Tribunal

Section 4 Determinations

Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2019

Table 1: General Purpose Councils - Metropolitan

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta

Metropolitan Large (8)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Georges River
Fairfield	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	Inner West
Penrith	Randwick
Sutherland	Ryde
	The Hills

Metropolitan Small (11)
Burwood
Camden
Canada Bay
Hunters Hill
Lane Cove
Mosman
North Sydney
Strathfield
Waverley
Willoughby
Woollahra

Local Government Remuneration Tribunal

Table 2: General Purpose Councils – Non-Metropolitan

Regional City (2)	Regional Strategic Area (2)	
Newcastle	Central Coast	
Wollongong	Lake Macquarie	

Regional Rural (37)	Rural (57)	
Albury	Balranald	Kyogle
Armidale	Bellingen	Lachlan
Ballina	Berrigan	Leeton
Bathurst	Bland	Liverpool Plains
Bega	Blayney	Lockhart
Blue Mountains	Bogan	Moree Plains
Broken Hill	Bourke	Murray River
Byron	Brewarrina	Murrumbidgee
Cessnock	Cabonne	Muswellbrook
Clarence Valley	Carrathool	Nambucca
Coffs Harbour	Central Darling	Narrabri
Dubbo	Cobar	Narrandera
Eurobodalla	Coolamon	Narromine
Goulburn Mulwaree	Coonamble	Oberon
Griffith	Cootamundra-Gundagai	Parkes
Hawkesbury	Cowra	Snowy Valleys
Kempsey	Dungog	Temora
Kiama	Edward River	Tenterfield
Lismore	Federation	Upper Hunter
Lithgow	Forbes	Upper Lachlan
Maitland	Gilgandra	Uralla
Mid-Coast	Glen Innes Severn	Walcha
Mid-Western	Greater Hume	Walgett
Orange	Gunnedah	Warren
Port Macquarie-Hastings	Gwydir	Warrumbungle
Port Stephens	Hay	Weddin
Queanbeyan-Palerang	Hilltops	Wentworth
Richmond Valley	Inverell	Yass
Shellharbour	Junee	
Shoalhaven		
Singleton		
Snowy Monaro		
Tamworth		
Tweed		
Wagga Wagga		
Wingecarribee		
Wollondilly		

Local Government Remuneration Tribunal

Table 3: County Councils

Water (4)	Other (6)
Central Tablelands	Castlereagh-Macquarie
Goldenfields Water	Central Murray
Riverina Water	Hawkesbury River
Rous	New England Tablelands
	Upper Hunter
	Upper Macquarie

Local Government Remuneration Tribunal

Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2019 are determined as follows:

Table 4: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Regional City	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Local Government Remuneration Tribunal

(Signed)

Dr Robert Lang

Dated: 15 April 2019

Local Government Remuneration Tribunal

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Local Government Remuneration Tribunal

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Local Government Remuneration Tribunal

Regional City

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

Local Government Remuneration Tribunal

Rural

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

ITEM 6 QUARTERLY VARIATIONS REPORT FOR DEVELOPMENT APPLICATIONS MARCH 2019

This quarterly report to Council identified two (2) Development Applications which were determined during the period 1 January 2019 to 31 March 2019 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: Darren Burke, Manager Development and Certification (Acting)
Authorised by: Mark Riordan, Director Planning and Environment - Future City and Neighbourhoods (Acting)

ATTACHMENTS

1 Variations to Development Standards - January 2019 to March 2019

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 January to 31 March 2019

During the 1 January 2019 to 31 March 2019 quarter two (2) Development Applications were approved which included a variation to a development standard.

- The first application (DA-2018/973) involved the demolition of existing structures and the construction of a new 15 storey mixed use building comprising of seven (7) commercial tenancies, sixty-four (64) residential apartment buildings and car parking. The application involved a variation to the building separation distance within the B3 Commercial Core zone or B4 Mixed Use zone and is a development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies. The application was considered by WLPP on 20 March 2019 and the proposed variation to the building separation distance was supported.

- The second application (DA-2019/5) involved alterations and additions to a dwelling-house. 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.

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 January 2019 and 31 March 2019 (Reporting applications with a decision of 'Approved'/'Deferred Commencement')

Application	DA-2018/973		
Lot	Lot B DP 358466, Lot 39 Sec 5 DP 1258, Lot 38 Sec 5 DP 1258, Lot A DP 358466	Zone	B3 Commercial Core
Address	28 Young Street, Wollongong NSW 2500 30 Young Street, Wollongong NSW 2500 32 Young Street, Wollongong NSW 2500 29-31 Belmore Street, Wollongong NSW 2500		
Description	Residential - demolition of existing structures and construction of a 15 storey mixed use development comprising seven (7) commercial tenancies, 64 residential apartments and car parking for 90 vehicles		
Decision	Approved	Decision Date	20 March 2019
Variations	Planning Instrument	WLEP 2009	Clause Clause 8.6 (2,3) Zone B3 Commercial Core/Zone B4 Mixed
	Justification of variation	<p>The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.</p> <p>The visual appearance of the building is considered satisfactory. A suitable degree of articulation is provided as well as a mixture of materials and finishes which add visual interest to the building. No concerns are raised in regard to visual privacy. The adjoining development to the south is a two storey commercial building constructed on the boundary with no openings. The land to the north similarly contains a single commercial building.</p> <p>Solar access to the units within the development or adjoining buildings is not compromised by the variation.</p> <p>The proposal also accords with the zone objectives.</p>	
	Extent of variation	A zero setback up to street frontage height is proposed for levels containing residential units, instead of a general 20 metre separation distance between buildings.	
	Concurring Authority	Council under assumed concurrence	

Application	DA-2019/5		
Lot	Lot 2 SP 86050	Zone	R2 Low Density Residential
Address	2/757 Lawrence Hargrave Drive, Coledale NSW 2515		
Description	Residential - demolition of carport, alterations and additions to existing dwelling house and construction of a detached garage		
Decision	Approved	Decision Date	29 March 2019
Variations	Planning Instrument	WLEP 2009	Clause Clause 4.4 (2) Floor space ratio
	Justification of variation	<p>The site already exceeds the FSR of 0.5:1 at 0.53:1 and it is considered the 8.5sqm increase in floor area for the proposed alterations and additions to the existing dwelling to 0.55:1 is acceptable in the circumstance of the case. The proposal will not result in any detrimental impact on the amenity of the adjoining properties or the streetscape and is consistent with the bulk and scale of surrounding dwellings. Overall the development has demonstrated to be consistent with the objectives of Clause 4.4 Floor space ratio and the objectives of the R2 zone.</p>	
	Extent of variation	9.6% departure	
	Concurring Authority	Council under assumed concurrence	

ITEM 7 DRAFT QUARTERLY REVIEW STATEMENT MARCH 2019

The draft Quarterly Review outlines progress made to achieve Council's Our Wollongong 2028 Strategic Management Plans, in particular the Delivery Program 2018-21 and Operational Plan 2018-19. It addresses the financial and operational performance of Council for the third quarter of 2018-2019. The draft Quarterly Review Statement also includes the March 2019 Budget Review Statement.

RECOMMENDATION

- 1 The draft Quarterly Review Statement March 2019 be adopted.
- 2 The Budget Review Statement as at March 2019 be adopted and revised totals of income and expenditure be approved and voted.
- 3 Council approve the transfer to Property Investment Fund internally restricted cash of \$150,000 representing proceeds from licence agreement for land use at West Dapto.

REPORT AUTHORISATIONS

Report of: Leila Hogan, Executive Strategy Manager (Acting)

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

ATTACHMENTS

- 1 Organisational Planning - Draft Quarterly Review Statement March 2019

BACKGROUND

Council's draft Quarterly Review Statement March 2019 outlines the operational and financial performance of Council's Our Wollongong 2028 strategic management plans, in particular the Delivery Program 2018-2021 and Operational Plan 2018-2019.

This report also provides an overview of achievements against priority areas and demonstrates the organisation's performance through the inclusion of performance indicators.

In addition, the draft Quarterly Review Statement March 2019 details how Council is tracking against its budgets in conjunction with a concise visual summary of Council's financial position for the quarter.

Significant highlights during the quarter include:

- Delivery of Australia Day celebrations.
- Illawarra Folk Festival, Ice House, Rufus and Farmer and the Owl music events supported.
- Successful delivery of Seniors Week.
- Explorer of the Seas cruise ship visit.
- Council welcomed 23 new cadets, apprentices and trainees to the workforce in January.
- Delivery of Clean up Australia Day.

CONSULTATION AND COMMUNICATION

Consultation took place with Council's Executive Management Committee and Senior Management Group.

PLANNING AND POLICY IMPACT

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

It specifically delivers on core business activities as detailed in the Corporate Strategy Service Plan 2018-2019.

FINANCIAL IMPLICATIONS

The revised financial estimate proposed at March are inclusive of the recognition of the early payment of the Financial Assistance Grant 2019-2020 as advised in the Federal Budget 2019 along with a range of other adjustments that have impacted the forecast Operating Result [pre capital] but do not greatly impact the Funds Result.

The proposed variations generate an improvement in the Operating Result [pre capital] of \$9.7 million and an improvement of \$9.2 million in both the Funds Available from Operations and Funds Result. The Financial Assistance Grant early payment is estimated at \$9.1 million.

The revised forecasts include the recognition of income from a licence agreement that will give a developer access to Council land for a 2 - 3 year period to undertake agreed works that on completion will be dedicated as a public road by Council. Council will receive \$0.9 million as part of this arrangement and this income has been reflected over a 3 year period in the financial forecasts. In accordance with the Commercial Property Strategy endorsed by Council in November 2015, it has been proposed that this income be transferred to Property Investment Fund internally restricted asset.

Full financial performance details and implications on Council's financial position are contained within the attached Quarterly Review Statement

Supporting Documents – Planning Studies & Investigations

The review of progress of projects during this quarter has resulted in adjustments in expected delivery time across a number of projects. Details of proposed adjustments are included in the attached Quarterly Review Statement. Although there isn't significant change in the budgeted position for Supporting Documents, there remains some organisational challenges for these projects to be delivered in full in the current reporting period.

CONCLUSION

This draft Quarterly Review Statement March 2019 has been prepared following input and assistance from all Divisions. It is submitted for consideration by Council.



OUR WOLLONGONG 2028 DRAFT QUARTERLY REVIEW STATEMENT March 2019

From the mountains to the sea



WCC-149834-18



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This Quarterly Review Statement (January to March 2019) reports on progress towards achieving the five Councillor Strategic Priorities from the Delivery Program 2018-21 and Annual Deliverables from the Operational Plan 2018-19.

Highlights and significant progress with key projects from the Operational Plan 2018-19 are reported by the six Community Goals from the Our Wollongong 2028 Community Strategic Plan.

Highlights from this quarter include:

- 1 Australia Day celebrations delivered;
- 2 Illawarra Folk Festival;
- 3 Seniors Week and Festival;
- 4 Clean Up Australia Day held;
- 5 Explorer of the Seas cruise ship visit;
- 6 23 new cadets, apprentices and trainees commencing in January.

Organisational performance is also reported by the inclusion of the performance indicators which monitor the status and progress of our Council programs, activities, projects, finances, people and processes.

This report also includes an overview of how Council is tracking against its budget. It is a concise visual summary of Council's financial situation for the quarter including operational budget, capital budget and expenditure. The Budget Review Statement is also included in this report.

I would like to thank all staff and the community for their contributions to the achievements identified in this Quarterly Review and Budget Review Statement. This Review will inform the Annual Report due in November 2019.

Greg Doyle
General Manager [Acting]

Strategic Priorities

PROGRESS REPORT

Our Councillors have made a commitment to support our organisation and community in making Wollongong a better place to live, work, visit and play. To focus Council's attention to achieve this, Councillors have agreed to five Strategic Priorities. These are outlined in the Delivery Program 2018-22. Progress made in the March 2019 quarter is outlined below:

Activating Our Suburbs

We are committed to enhancing and activating spaces and places across our Local Government Area through sound planning and focused programs.

Our Delivery Program includes an ambitious plan of action to establish our city, towns and villages to be connected and liveable spaces offering a variety of attractions and opportunities for people to work, live, play, learn, visit and invest. Our Program supports a variety of infrastructure spending to enhance recreation, sporting and cultural opportunities.

Project Sponsor: Director Community Services
Project Manager: Manager Community Cultural and Economic Development

Strategic Priority Progress



On Track

Program Achievements

A range of activations were conducted in our suburbs over the quarter in partnership with our community, including the following:

- Council officers attended regular Wollongong Northern District Aboriginal Community (WNDAC) network meetings to develop a Bellambi location community NAIDOC event for 2019.
- Council has partnered with Careways (Koonawarra service), Barnardos and other community groups/organisations to develop two community NAIDOC events to be held in the southern suburbs of Wollongong for 2019.
- Staff met monthly with Bellambi Safety Group, focusing on undertaking community actions to increase safety in their local area.
- A clean-up day at Bundaleer was organised through partnerships with Family and Community Services NSW, Mission Australia, Council and the local community, taking place on 16 January. Approximately 20 tonnes of rubbish was removed. The activity increased pride in the local resident community;
- Council continues to support the community garden initiative at Illawong Gardens and attend a monthly BBQ meeting as a way to engage and build trust.
- Community engagement completed with residents around planning for the new southern suburbs library and community centre at Warrawong.

Strategic Priorities PROGRESS REPORT

Activating Our Suburbs continued

- Council officers worked to develop and deliver an engagement strategy with children for the Helensburgh Town Centre Plan.
- Council officers developed and coordinated an engagement strategy with children and young people for the Warrawong Community Centre and Library.
- Provided a Reading Tent, and *Bright Spark* [child development] attended the Corrimal Moonlight Movies. Approximately 20 children enjoyed stories in the Reading Tent and spending time with Bright Spark.
- Council Youth Services provided services, programs and engagement activities to young people in Wollongong, Bellambi, Corrimal, Cringila, Bundaleer Estate, Warrawong, Koonawarra and Kanahooka.
- The Neighbourhood Youth Work Project Program funded by Council delivered services to young people in Berkeley, Dapto, Helensburgh and Port Kembla.
- Community Cultural Development Project with Dapto High School for display in the Creative Container located in Dapto Square.
- Playing in the Precinct has been taking place in Dapto Square on a Tuesday bringing live music to the area.

Council also facilitates activation by providing an events concierge service to assist event organisers in bringing major events to Wollongong. Support levels vary from small events to facilitating stakeholder meetings for proposed larger events, in addition to the general navigation through Council to ensure appropriate approvals and documentation are in place. During the quarter, high level of support and engagement were also provided to Illawarra Folk Festival, Ice House Concert and Rufus du Sol / Farmer and the Owl Music Festivals.

During the quarter, *Renew Wollongong* successfully placed its first three creative business enterprises, which have transformed vacant retail spaces into active places. These enterprises now have the opportunity to grow their business skills and develop projects that will help activate the area. These successful spaces will further promote the benefit of Renew Wollongong to key stakeholders.

In addition, Council's \$400M four-year Infrastructure Delivery Program includes a suite of programs and projects that directly respond to activating and enhancing our community centres, public domain and open spaces. Further to the many footpaths, cycle ways and open space upgrades, these initiatives include streetscape and public domain improvements in Warrawong, Wollongong Central Business District, Corrimal, Dapto, Thirroul and Helensburgh Town Centres.

Strategic Priorities **PROGRESS REPORT**

Urban Greening

Urban Greening forms a significant focus during this Council term. Our Program includes the implementation of key priorities within Council's Urban Greening Strategy, in conjunction with projects and services that impact sustainability and the quality of our environment.

Project Sponsor: Director Infrastructure and Works
Project Manager: Manager Open Space and Environmental Services

Strategic Priority Progress



On Track

Program Achievements

The Urban Greening Program has made significant progress towards establishing a best practice Public Tree Management Program during the quarter.

Achievements include: developing specifications for a contract to secure an appropriate and ongoing supply of high quality trees from the market; improving internal processes to ensure improved tree protection and assessment across the organisation; and procuring the TreePlotter inventory system which manages asset data for individual trees and allows Council to proactively plan and schedule new planting, manage workflows, risks and maintenance.

On the ground, new tree planting has been targeted to shade parks and playgrounds. Renewal planting has been undertaken to offset future losses of important avenues and individually significant trees. Roll out of tree planting aligned with Council's capital construction program continues in projects such as car parks and footpath renewals. Various pilot plantings have been undertaken in residential streets to trial direct engagement with the community, streetscape projects have been planting, and an online Shade Study has elicited over 900 responses from residents letting us know where we need great trees.

Strategic Priorities PROGRESS REPORT

West Dapto

We will continue to work in collaboration with key agencies to provide the infrastructure needed to support growth and employment lands within the West Dapto Urban Release Area. This will include coordinated planning for access improvements including new roads and bridges which are needed to support the additional 17,000 future housing lots and 8,500 jobs required over the next 30 years.

Project Sponsor: Director Planning and Environment
Project Manager: Urban Release Manager

Strategic Priority Progress



On Track

Program Achievements

Council adopted the West Dapto Vision document on 10 December 2018 and will guide future planning decisions for the release area. Staff are now focused on tasks to implement the Vision document.

The pace of land development within West Dapto continues to be strong and Council continues to assess and determine draft Planning Proposal requests, Neighbourhood Plans and Development Applications that facilitate urban development. To date, Neighbourhood Plans have been adopted within stages 1 and 2 for over 4,350 lots. Neighbourhood Plans to support a further 3,643 lots are currently being assessed. Of these, Council has approved Development Applications to create 1,839 new lots.

Council also continued the implementation of the Infrastructure Delivery program to support the West Dapto Urban Release area. The contract for the Stage 2 works of the Fowlers Road to Fairwater Drive was awarded, with the contractor making significant progress on site. These works currently include abutment and deck construction; excavation of the flood-ways; and embankment construction. Construction work also commenced on Stage 1 of the Wongawilli Road project and the Marshall Street deviation and road reconstruction works were completed in February.

Council was successful in obtaining funding under the NSW Housing Acceleration Fund for Economic Business case studies of the upgrade of West Dapto Road and Wongawilli Road. This complements the existing Restart NSW \$2.4M funding currently being expended on the Wongawilli Road upgrade project.

During the quarter, consultants completed the facility needs assessment for an integrated leisure and community centre for the West Dapto community. The assessment identified a preferred location for the facility and councillors will be updated on the needs assessment findings during the June quarter.

Program Risks

Council staff are progressing the biennial review of the West Dapto Section 7.11 (former Section 94 Plan) during the quarter to ensure the Contributions Plan continues to reflect local infrastructure requirements with an aim to further reduce the financial risk to Council in the funding of essential local infrastructure. The biennial review is required by the State to be reviewed by IPART and adopted by Council by the end of June 2020 to allow Council to continue to charge contributions above \$30,000 per dwelling. The Department of Planning and Environment (DPE) made the 1st payment of LIGS to Council during the quarter. Council continues to make representations to the State requesting progress on an Illawarra / Shoalhaven Special Infrastructure Contribution determination to support Council's ongoing commitment to infrastructure funding at West Dapto.

Strategic Priorities PROGRESS REPORT

Active Transport and Connectivity

We are planning for and progressively working towards an integrated and active transport network with improved connectivity across the local government area. A series of actions will be undertaken across this term of Council to facilitate the upgrade of our public transport and bicycle networks and pedestrian access. This renewed focus is complemented by a significant investment into our footpaths and cycle ways.

Project Sponsor: Director Infrastructure and Works
Project Manager: Manager Infrastructure Strategy and Planning

Strategic Priority Progress



On Track

Program Achievements

Actions identified within the Wollongong Bike Plan and Wollongong Pedestrian Plan are incorporated into the Infrastructure Delivery Program and operational programs for progressive implementation. Projects are currently being developed for submission to the Transport for NSW grant funding scheme. The current year will consider the University - CBD cycleway including the Smith Street underpass, Smith Street and Kembla Street links.

Of note is the significant budget increase for the 2018-19 financial year for new footpaths to action the Pedestrian Plan. Recruitment is nearing completion for new senior traffic engineers to support planning and community engagement on prioritising footpath and connectivity projects around schools, as well as planning for the next stages of the Grand Pacific Walk.

The concept design of the Smith and Kembla Street on road cycleway, which will provide dedicated access for cyclists into the city centre, is nearing completion. Discussions are underway with Roads and Maritime Services and Transport for NSW to discuss funding priorities for these projects and other active transport programs.

Council continues to seek grant funding through a range of State and Commonwealth initiatives to support active transport and connectivity improvements including streetscape upgrades in commercial centres such as Warrawong, Corrimal and Helensburgh. Council has also received funding to undertake an initial feasibility assessment to use the Otford Railway Tunnel as a shared pathway or rail trail.

During the quarter a number of initiatives have been undertaken to actively engage people with disability. The Public Toilet Strategy 2019-2029 and the Beach and Foreshore Access Strategy 2019-2028 Public Exhibitions and the engagement for the Warrawong Community Centre and Library were promoted to people with disability and support agencies. Feedback was also sought from organisations around the existing adult lift and change table at Stuart Park.

The Walking, Cycling and Mobility Reference Group which includes representation from people with disability held its first meeting in February 2019.

Strategic Priorities PROGRESS REPORT

Business and Investment

We will continue to grow the Wollongong economy through attracting business, investment, major events, and tourism to the region. We will continue to promote our local advantages, including our proximity to Sydney, supportive business environment, innovative ecosystem, vibrant CBD, and superb liveability to attract businesses and encourage local jobs growth. We will work with key stakeholders, including state and federal governments to further promote our city and attract greater investment in infrastructure and other key assets.

Project Sponsor: Director Community Services

Project Manager: Manager Community Cultural and Economic Development

Strategic Priority Progress



On Track

Program Achievements

During the quarter, Advantage Wollongong completed a brand audit which identified our branding strengths and weaknesses and opportunities by reviewing:

- best practice domestic and international business attraction and investment agencies;
- interviewing our target audience; and
- Reviewing our current positioning and how it sits within Wollongong.

A series of recommendations were made that are currently under consideration. Advantage Wollongong has revisited its Target Sectors and Unique Selling Propositions (USP's) through internal research, committee discussions and also appointed a consultant that specialises in advising countries and cities regarding foreign direct investment strategies to review Council's approach.

Research was also undertaken on the capability of Wollongong's knowledge services sector and compared the city to others as a location for knowledge based businesses. A key finding of this study was that staff turnover in Wollongong is only 8% compared to 19% across Australia. The research indicated for a 150 seat contact/call centre, staff turnover costs would be three times higher for the rest of Australia than Wollongong.

During the quarter, Council, via Destination Wollongong continued to support the cruise visitor economy. Wollongong welcomed Explorer of the Seas on 11 February 2019. This ship brought 3,224 passengers to the city who spent an estimated \$648,000. Council was also successful in securing \$400,000 under the Port Kembla Community Investment Fund for the construction of a viewing platform overlooking Port Kembla Beach. The project will be designed and constructed over the next two years. There are three more cruise ships expected in Wollongong in 2020 – Superstar Virgo (23 February and 8 March 2020) and Magnifica (17 March 2020).

Council via Destination Wollongong, also sponsored six major events this quarter across the priority sectors, injecting an estimated \$9.05m to the local economy. These events included: The Illawarra Folk Festival; Illawarra Titans Battle of the Countries; Australia Day Aquathon; Shimano Super Criterium; Tribal Clash and; Ainsley's (celebrity chef Ainsley Harriot) Market Menu. This covered the Arts, Sporting, Adventure and Food and Beverage priority sectors. Council also announced the 3Fest festival for February 2020, which is a signature event for the city and involves a joint partnership between Wollongong City Council, the University of Wollongong and Destination NSW.

Council also provides an events concierge service to assist event organisers in bringing major events to Wollongong. During the quarter, Council provided support and engagement to the Illawarra Folk Festival, Ice House Concert and Rufus du Sol / Farmer and the Owl Music Festivals.

Operational Plan

2018-19 PROGRESS

The following section provides an overview of Council’s progress with delivering Our Wollongong 2028. It provides a summary of progress for 2018-19 annual deliverables [Council’s programs, projects and activities] and highlights significant progress with annual projects as outlined in the Our Wollongong 2028 Community Goals. This exception based reporting provides an overview of achievements for the December 2018 quarter. The organisation’s performance is also reported by the key performance indicators, budget summary information and Budget Review Statement.

The Annual Plan 2018-19 contains 311 annual deliverables across the six Community Goals. Table 1 following outlines how Council is tracking in the December quarter to achieve the annual deliverables for each Community Goal.

1: Annual Deliverable Progress by Community Goal

Goal	On track	Not Scheduled to Commence	Delayed	Deferred	Ongoing / Complete
1. We value and protect our natural environment	84.06%	10.14%	2.9%	2.9%	0%
2. We have an innovative and sustainable economy	92%	2%	6%	0%	0%
3. Wollongong is a creative, vibrant city	100%	0%	0%	0%	0%
4. We are a connected and engaged community	98.04%	1.96%	0%	0%	0%
5. We have a healthy community in a liveable city	94.39%	1.87%	0.93%	0.93%	1.87%
6. We have affordable and accessible transport	88%	4%	4%	0%	4%
Total Annual Deliverable Progress	92.56%	3.57%	2.08%	0.89%	0.89%

*Note: Each Goal does not have an equal number of annual deliverables; therefore, the Annual Deliverable progress totals do not necessarily add up to 100

Operational Plan 2018-19 Progress continued

Overall 2.09% of Annual Deliverables were reported to be delayed, while 1.19% were deferred.

Table 2 below outlines all annual deliverables that were reported as delayed or deferred at the end of March 2019.

Table 2

Community Goal	Annual Deliverable	Delayed	Deferred	Comment
1 We value and protect our natural environment	Continue to pursue biodiversity certification of the West Dapto Urban Release Area including offsetting provisions	Y		A report is being prepared for EMC seeking support to finalise technical studies and submit an application for biodiversity certification of West Dapto URA, prior to 25 August 2019 - the deadline for application under the Savings and Transitional arrangements associated with the former Threatened Species Conservation Act.
	Prepare and implement priority actions of the Coastal Management Plan [CMP] for Lake Illawarra	Y		<p>Work has continued to update the draft CMP in line with the finalised NSW Coastal Management Manual. A new draft CMP is expected to be submitted by the consultants on 24 March. These updates included major tasks such as:</p> <ol style="list-style-type: none"> 1 The development of new tidal inundation mapping and subsequent stakeholder workshop to address risks. 2 The development of a revised WQ1 action regarding implementation of the Risk Based Stormwater Management Framework that all relevant stakeholders can accept. 3 Agreement on an Office of Environmental Heritage led modelling project to help implement the Risk Based Framework. 4 The commencement of a project to provide quantitative links between habitats and fisheries species. 5 Negotiations with Fisheries' staff regarding the inclusion of more Fisheries' actions as a result of community concerns regarding overfishing. Work is occurring according to the revised approved timeframe and budget.

Operational Plan 2018-19 Progress continued

Community Goal	Annual Deliverable	Delayed	Deferred	Comment
1 We value and protect our natural environment cont	Carry out the Berkeley Commerical Land Study		Y	In February 2019, Council decided not to proceed with the Berkeley Centre Study.
	Complete the Industrial Lands Review		Y	In February 2019, Council decided to defer the Industrial Lands Review to 2019-20.
2 We have an innovative and sustainable economy	Develop a cultural tourism strategy which draws on and celebrates aspects of the city's natural and built heritage, social history and cultural attributes through an interdivisional working party	Y		Council has received the final draft Cultural Tourism Strategy from the consultant and it is under review.
	Implement actions of the Cultural Tourism Strategy	Y		The Cultural Tourism Strategy is still in draft. We are continuing to review the proposed actions and time frames in the draft document to determine proposed priorities, responsibilities and a way to progress with relevant stakeholders.
	Investigate the development of Wollongong as a learning community, based on UNESCO framework and principles	Y		<p>The engagement of public libraries in this learning community 'space' is an innovative and future-focused initiative that could place Wollongong at the forefront of being a City of Innovation.</p> <p>The Library applied to the State Library of NSW for funding support, however was unsuccessful at this time.</p> <p>Alternative options to get this project up and running are being explored, including the development of the project as a student placement project for second year MSW students. This is still a priority for the Library – depending on resourcing.</p> <p>Learning communities have developed from three areas of learning theory: active learning and communities of practice within the formal education systems e.g. schools and academia; learning organisations who are able to adapt quickly to changing environments; and the connected</p>

Operational Plan 2018-19 Progress continued

<i>Community Goal</i>	<i>Annual Deliverable</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Comment</i>
3 We have an innovative and sustainable economy cont				Learning movement which arose from interest-driven, peer-supported and academically oriented learning for young people with the aims of promoting the core values of equity, community participation and social connection.
5 We have a healthy community in a liveable city	Implement Landscape Masterplan recommendations for Hill 60 Reserve at Port Kembla	Y		The interpretative artwork on MM Beach on Gloucester Boulevard has been completed. Council Officers have also engaged Niche Consultancy to undertake new Conservation Management Plan for Hill 60 with a goal to see the plan completed in October 2019.
	Develop an updated Landscape Master plan for Stuart & Galvin Parks North Wollongong		Y	An updated Landscape Plan for Stuart and Galvin Park is on hold noting that Landscape Design will be informed by key issues impacted the precinct, these include the Foreshore parking Strategy and drainage matters
6 We have affordable and accessible transport	Investigate opportunities to install bike carriers on buses	Y		Council staff will be contacting bus operators and the Department of Transport prior to the end of the financial year to seek their views and ideas on the feasibility of installing bike carriers/racks onto their buses.

GOAL 1: WE VALUE AND PROTECT OUR NATURAL ENVIRONMENT

Council programs incorporate best practice urban tree and vegetation management

During the quarter, Council officers from technical, operational, strategic and procedural areas of Council collaborate to deliver priority actions. These include collection of a public tree inventory, preparation of pre-grow contracts with tree suppliers, and implementation of maintenance and planning actions following the adoption of the Public Tree Management Policy. Identification of priority areas for new planting continues, where shade and amenity is most required. Work is underway to develop a communications strategy to engage stakeholders on the benefits of urban greening, and existing programs focussed on bush restoration continue to deliver positive outcomes in natural areas.

Coordinate community environmental programs, including Rise and Shine program, Clean Up Australia Day, World Environment Day, National Recycling Week, International Composting Week and other waste education activities

During the quarter, approximately 800 volunteers participated in Clean up Australia Day activities. The event involved 52 schools, 12 businesses (both record figures), 46 registration points and 55 groups, with an estimated 1,100 individuals collecting 8.34 tonnes of litter and rubbish. Tonnages recorded was similar to previous year and larger items were removed from bushland and natural areas. There was a focus on Lake Illawarra foreshores, with a noticeable reduction of plastic bottles coinciding with the new "Return and Earn" scheme.



[IMAGE: Deputy Lord Mayor David Brown planting at Woonona Beach with school students during Clean Up Australia Day]

GOAL 1: WE VALUE AND PROTECT OUR ENVIRONMENT

Continue implementation of priority actions from the Dune Management Strategy

Work has progressed at a number of areas, including Woonona, Bellambi, Port Kembla and City Beach.

Council has responded to vegetation vandalism of dune vegetation at Woonona Beach and a feasibility assessment of the installation of CCTV at the site has commenced. A school clean up and planting day was also held in the dunes behind Woonona Beach in February. Additionally, a community information update was distributed to Woonona Beach residents in February 2019, which included details of the type and characteristics of the plants being planted.

Dune re-shaping projects at Bellambi and Port Kembla beaches are underway. Stakeholder engagement about the final designs has occurred this quarter and both projects are scheduled for on-ground works in winter 2019.

Widening of the access track next to the observation tower at Wollongong City beach was completed this quarter.

The Beach and Dune monitoring program continued, with transects surveyed and photo monitoring at dune project sites every two months.

Complete the Helensburgh Town Centre Study

The Helensburgh Town Centre Plan will provide strategic direction for future development, infrastructure investment, community programs and planning policy of the area. During the quarter, preliminary consultation commenced with a community visioning workshop held on Saturday 30 March. To prepare, information was distributed to early morning commuters at Helensburgh and a hearing loop was offered at the workshop to encourage participation in the planning process. Workshops were held at child care facilities and schools, encouraging participation by children and young people in decisions that affect the area they live in. Details have been added to engagement activity invitations advising of support options available to enable attendance and measures have been taken to make our print material more accessible. This exercise also catered for engaging with children and collected extensive material to assist development of the vision and principles for the Plan.

Review and implement key priorities from the Integrated Stormwater Management Plan

During the quarter, construction of six drainage and flood projects was completed, five projects were under construction and five projects had designs completed to allow future construction. Key stormwater and floodplain mitigation projects had investigations and designs further progressed including:

- Complex, detailed design of 338 Paynes Road, Dombarton;
- Detailed design of access to Swan Street culvert to allow more efficient future maintenance;
- Installation of Memorial Drive [Woonona] and Gordon Hutton Park [Woonona] debris control structures and West Street flood mitigation [Wollongong]; and
- Concept designs of Ursula Road [Bulli] Flood Mitigation Scheme, Bellambi Gully flood mitigation scheme, Mc Mahon Street [Mount Ousley] detention basin were progressed.

GOAL 1: WE VALUE AND PROTECT OUR ENVIRONMENT

Provide opportunities to work with volunteers, community groups and government to actively participate in urban greening

During the quarter, Council continued to provide support to ongoing natural area volunteer programs such as Bushcare, Dunecare and FIReady and Greenhouse Park. A major community planting day was held, resulting in 2,500 plants being installed along Reed Park Dapto.

Council also sought feedback regarding tree cover throughout the Local Government Area. With many areas without shade or trees, feedback has been sought regarding the best possible areas to plant trees for residents. This forms part of the Urban Greening Strategy which will guide how we plan to protect and maintain existing trees and grow the tree canopy cover across the city over the next 20 years.

[IMAGE: Local residents watering their new tree]



[IMAGE: Local residents watering their new tree]

Performance Measures

- Participation rate in environmental programs | 22,703 (Q3 2018 – 28,165)
- Number of volunteers for Environmental Programs - Greenhouse Park | 24 (Q3 2018 – 31)
- Plants Propogated | 12,948 (Q3 2018 – 9,846)
- Plants Distributed | 10,769 (Q3 2018 – 8,716)
- Tonnes of Rubbish collected from clean up activities | 10.13 (Q3 2018 – 26)
- Number of volunteers worked at Bushcare and FIReady sites | 502 (Q3 2018 – 422)

GOAL 2: WE HAVE AN INNOVATIVE AND SUSTAINABLE ECONOMY

Deliver learning programs for employment, digital inclusion and creativity from 'The Hub' digital learning space

The Lab learning space on Level 1 of Wollongong Library provides a flexible space that can be used for a number of programs and events. During the quarter, 52 programs were held, attracting 646 attendees.

Some of the programs held in the Lab this quarter were financial literacy, Get Skilled technology training, Seniors festival activities, Online Safety presentation, Strata Rights presentation, 3D printing, two author talks, three Knit, Stitch and Yarn, and six family movie sessions.

Programs held in the Lab this quarter were financial literacy, 3D printing, an author talk, and two family movie sessions.

Deliver a Wollongong Art Gallery Education and Public Program

The Art Gallery develops and delivers a range of education and public programs both directly related to the exhibition program as well as ancillary access and engagement programs for different parts of our diverse community. Programs delivered during the quarter included:

- Six tours;
- Four School Holiday programs;
- Four Adult Art workshops;
- Children's Workshops;
- Four Art Enrichment programs;
- Three Junior Art Trail programs;
- One Family Fun day;
- ARTsmart after school programs;
- Eight Artist/curator talks;
- Three Public Programs;
- Four exhibition openings and two community exhibition openings;
- Two friends of the gallery events and activities;
- Two gallery guide activities; and
- External, Council and community functions events.

Implement the Economic Development Strategy 2013-23

During the quarter, key activities from the Economic Development Strategy were implemented, with progress of the refreshed economic development strategy and delivery of the first session of Economic Gardening being particular highlights.

Council assisted 17 businesses/investors in Wollongong, ranging from support for small businesses to a number of large scale enquiries. Council also coordinated an initial Easy to do Business meeting with relevant internal staff and Service NSW to progress implementation of the scheme.

The refreshed Economic Development Strategy is nearing completion, with the jobs target developed, strategy drafted and consultation (internal and external) approaching completion. The Strategy will be placed on public exhibition in May and presented to Council for adoption at the June Council meeting.

The first session of Economic Gardening was held in March, with further sessions to be rolled out next quarter. The event offers businesses a package of tools and assistance to help them grow. The program, offered in conjunction

GOAL 2: WE HAVE AN INNOVATIVE AND SUSTAINABLE ECONOMY

with Shellharbour City Council and Kiama Municipal Council, targets high performing companies and includes a boot camp, workshops on a range of topics and coaching. The aim of the workshop is to help established companies with sound business models develop strategic plans and manage their finances for growth.

Implement a research & development program targeting alternatives to placing waste into landfill in partnership with the University of Wollongong's iAccelerate program.

Council continues to partner with the University of Wollongong's iAccelerate Program. The partnership is currently investigating alternatives to placing waste into landfill. As a result of work done through the iAccelerate program, Council is investigating a Food Organics Garden Organics Systems (FOGO) trial and is developing an Alternative Waste Treatment strategy.

Provide funds to support Wollongong's ability to attract and retain a tourist ship visitor economy through on shore day visits

During the quarter, Council, via Destination Wollongong continued to support the cruise visitor economy. Wollongong welcomed Explorer of the Seas on 11 February 2019. This ship brought 3,224 passengers to the city who spent an estimated \$648,000. Council was also successful in securing \$400,000 under the Port Kembla Community Investment Fund for the construction of a viewing platform overlooking Port Kembla Beach. The project will be designed and constructed over the next two years. There are three more cruise ships expected in Wollongong in 2020 – Superstar Virgo (23 February & 8 March 2020) and Magnifica (17 March 2020).



[IMAGE: A cruise ship arriving at Port Kembla]

GOAL 2: WE HAVE AN INNOVATIVE AND SUSTAINABLE ECONOMY

Work with local high schools, TAFE and University of Wollongong to promote Council's Learning Pathway Programs and attract students into the program

During the quarter, Council continued to promote its Learning Pathways Program with local high schools, welcoming seven new school based trainees and a number of internships taking place through the University of Wollongong.

Council also welcomed 23 new employees as part of the cadets, apprentices and traineeship program in January, supporting delivery of the regional youth employment action plan.



[IMAGE: Council's newest cadets, apprentices and trainees – January 2019]

Implement a range of pilot projects and activation strategies across the city centre precincts

During the quarter, Renew Wollongong successfully placed its' first three creative business enterprises which have transformed vacant retail spaces into active places. These enterprises now have the opportunity to grow their business skills and develop projects that will help activate the area. These successful spaces will further promote the benefit of Renew Wollongong to key stakeholders.

The Renew Wollongong Team in partnership with City Centre staff continue to build relationships with creatives, property owners, leasing agents and businesses to further progress the Project.

Performance Measures

- Number of visitations to the tourism information centres | 16,107 (Q3 2018 – 16,107)
- Tourist Park occupancy rate of cabins | 67% (Q3 2018 – 68%)
- Occupancy rates of paid on street parking | 75% (Q3 2018 – 77%)
- Tourist parks occupancy rate of unpowered sites | 41% (Q3 2018 – 63%)
- Tourist parks occupancy rate of powered sites | 39% (Q3 2018 – 63%)

GOAL 3: WOLLONGONG IS A CREATIVE, VIBRANT CITY

Deliver Council's annual community events program

During the quarter, three key events of the annual program were delivered: Australia Day, Seniors Week and Moonlight Movies.

Council's Australia Day event was successfully delivered at Belmore Basin and the Foreshore with over 25,000 people in attendance. This year, the Lord Mayor hosted a special birthday party for all those born on the 26 January. They received a special hat and badge and were invited to cut a birthday cake with other people who shared a birthday on this significant date. In addition, a number of accessibility adjustments were made to the event site, with the main stage moving from Lang Park to Osborne Park. The accessible area was activated and continues to grow in popularity and a 'chill-out'/quiet zone created for people needing a quiet retreat from the excitement of the day. Furry friends were also not forgotten, with the Ozzy Dog Show hosted for the second year in a row. Other highlights from the day include the Aquathon, live music and an evening fireworks display.

The 2018-2019 summer Moonlight season promised the delivery of 6 moonlight movies across the Local Government Area (LGA). The final three for the season were screened in February, March and April. During February, *Never Ending Story* was screened in Corrimal and supported by the Corrimal Chamber of Commerce, attracting up to 300 patrons.

Seniors week was held early in 2019, moved from April to February. Council engaged the Seniors Week committee and with their volunteer support, a program with over 100 events and activities was produced and circulated to over 5,000 people across the LGA. The week saw over 2,000 seniors participating in the program of events and activities, including the popular Lady Mayoress Afternoon Tea Dance. The event was coordinated and delivered by Council with over 200 seniors joining the Lady Mayoress and the Lord Mayor for an afternoon of entertainment and dancing. The event continues to be a highlight of Seniors Week program.



[IMAGE: Australia Day 2019 fireworks display at Belmore Basin]

GOAL 3: WOLLONGONG IS A CREATIVE, VIBRANT CITY

Manage and deliver programs at the Wollongong Art Gallery

The Art Gallery program includes the development and delivery of a range of exhibition, education and other public programs as well as the development and management of the Art Collection. During the quarter, a number of exhibitions were delivered, including:

- The TV Show - Curated by Daniel Mudie Cunningham
- The Box in the Corner - Curated by Nigel Giles
- Summer Love - With Poems by Lizzie Buckmaster Dove and a Family Fun day
- Locals on Board - With 192 contributing artists
- Red Alert -With texts by Dr. Michael Bear
- Balnhdhurr- A Lasting Impression: An exhibition taking the viewer on a visual journey mapping the evolution of the Yirrkala Print Space based at Buku-Larrnggay Mulka Art centre in Northeast Arnhem Land.
- Sharing Knowledge Children's art workshops by visiting Yirrkala artist.
- Black wallaby Indigenous Writers Night with South Coast Writers Centre.

Future Feminist Archive: Live in Wollongong!

Artists and performers weave Wollongong's first international Women's Day (IWD) march in 1979 and its context of equal rights and women's right to work struggles, with contemporary feminist themes and hashtag age initiatives such as the Me Too movement. Curated by Jo Holder and Catriona Moore.

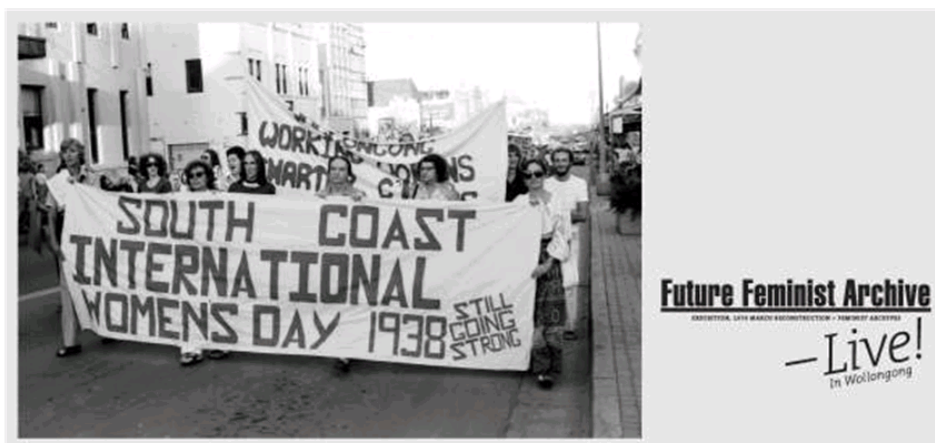
Exhibitions in the Community Access Gallery

Timbermill Studios is a unique creative space in Bulli's transformed iconic timber mill, housing various artisan studios, small businesses, event spaces, band rehearsal rooms and the Timbermill Café. Artist associated with studio presented their works as part of the Gallery's 40th Anniversary celebration.

Stroke After Stroke: Dana Zaklikowski

An exhibition highlighting how art can empower people through rehabilitation. This exhibition documented the journey of artist Dana Zaklikowski after suffering several debilitating strokes. Dana passed away before the exhibition opened and it became memorial to her life and struggle.

Attendance continued to be strong during the quarter with approximately 33,000 visitors.



[IMAGE: 1979 Wollongong women's marchers – Future Feminist Archive – Live! event.

GOAL 3: WOLLONGONG IS A CREATIVE, VIBRANT CITY

Collaborate with Culturally and Linguistically Diverse Communities (CALD) community to support community events and celebrations

For the second consecutive year, Council supported community partners from the Iranian, Afghani and Kurdish communities to host an open community celebration in the Wollongong Mall for Nowruz (New Year) on 21 March 2019. Nowruz is the biggest secular event in dozens of countries in the Middle East and East Asia. Approximately 250 people from diverse backgrounds, including many family groups, enjoyed a colourful program of dance and music performances as well as communal circle dancing. The event also drew in people attending Eat Street. The Iranian and Afghani food stalls were a special part of the Eat Street offering. A particular highlight was the first ever performance of the newly formed Afghani dance troupe. The Kurdish community leaders decided not to formally participate in the event due to the terrorist attacks in Christchurch the previous week.



[IMAGE: Burhan Zangana, from the Kurdish community, Azita Azimi from the Afghani community, and Mansoor Rasekhi, Iranian community, with Acting Lord Mayor Cr David Brown for the announcement of the Nowruz Celebrations on 21 March]

GOAL 3: WOLLONGONG IS A CREATIVE, VIBRANT CITY

Host six major events reflecting priority sectors and contribute to the acquisition of signature events in the city

Council via Destination Wollongong sponsored six major events this quarter across priority sectors, injecting an estimated \$9.05m to the local economy. These events included: Illawarra Folk Festival; Illawarra Titans Battle of the Countries; Australia Day Aquathon; Shimano Super Criterium; Tribal Clash and; Ainsley's (celebrity chef, Ainsley Harriot) Market Menu. This covered Arts, Sporting, Adventure and Food and Beverage priority sectors. Council also announced the 3Fest festival for February 2020, which is a signature event for the city and involves a joint partnership between Wollongong City Council, the University of Wollongong and Destination NSW.



[IMAGE: Participants of the maiden Tribal Clash event, February 2019]

Deliver the Creative Spaces program including development of the Lower Town Hall as a community managed space

During the quarter, six new leases were signed and participants inducted for the creative space studios. Ars Electronica Australia have also commenced work on the 3Fest Festival in partnership with Council, UOW and Destination NSW, operating out of the Lower Town Hall.

Performance Measures

- Attendance at Australia Day event | 25,000 (Q3 2018 – 35,000)
- Attendance at Sunset Cinema season | 16,000 (Q3 2018 – 14,413)
- Library visitations | 252,472 (Q3 2018 – 235,968)
- Library – total number of loans | 334,808 (Q3 2018 – 327,990)
- Library programs: number of programs | 511 (Q3 2018 – 494)
- Library programs: number of participants | 12,291 (Q3 2018 – 10,118)

GOAL 4: WE ARE A CONNECTED AND ENGAGED COMMUNITY

Provide support for not for profit organisations via provision of affordable Council assets and community facilities

Otford's tennis clubhouse has been transformed into a community hall as an example of Council's approach to getting the most out of the city's social infrastructure. A licence agreement has been put in place with Otford Community Inc. to manage and operate the facility. This is a key component of Council's new Places for People Strategy, which guides Council's planning for community, cultural and recreational buildings at a number of levels from planning for major projects, through to smaller projects that aim to enhance and activate existing assets, such as this project. Council has also supported Helensburgh Community Centre Inc. during the transition of operations back to Council.



[IMAGE: Otford Community Hall]

Participate in a range of community sector networks to foster collaborations and partnerships

During the quarter, Council supported the Rotary Club of Wollongong's Mt Keira Community Day, held 23 February. The event was presented in partnership with the Illawarra Local Aboriginal Land Council and Wollongong City Council. It provided people with the opportunity to join two walking tours. One was led by a representative of the Illawarra Local Aboriginal Land Council and provided insight into the site's significance to the local Aboriginal community, and the second was led by a representative from Wollongong Botanic Garden to share information about the park's flora and fauna.

GOAL 4: WE ARE A CONNECTED AND ENGAGED COMMUNITY

Deliver civic activities which recognise and celebrate the city's people

During the quarter, a number of civic activities were held including recognition of volunteers and community support provided during Seniors Week, annual Australia Day Awards Ceremony, Wollongong Citizen of the Year and Senior Citizen of the Year.

The annual Australia Day Awards Ceremony was held again this year, with a number of outstanding citizens receiving awards for their accomplishments and achievements. There were also a large number of nominees in the various categories.

Dr Justin Yerbury was announced as the Wollongong Citizen of the Year in recognition for his international research and advocacy for Motor Neurone Disease.

The Senior Citizen of the Year was awarded to Dr James Turner for his dedication to the Wollongong community as a General Practitioner at Wollongong Hospital for over 62 years. Refugee advocate, Narayan Khanal was awarded the Young Citizen of the Year Award for his efforts in promoting diversity and inclusion in the community.



[IMAGE: Lord Mayor Gordon Bradbery AM presents Citizen of the Year Award to Dr Justin Yerbury, Senior Citizen of the Year to Dr James Turner and Young Citizen of the Year to Narayan Khanal]

Resource and support a range of engagement options to provide advice across identified target groups

Recognising the cultural diversity of Warrawong and surrounds, Arabic and Macedonian interpreters were provided at the community information stand for Warrawong District Community Centre and Library and the promotional material included various translations.

Different methods were implemented at information sessions to encourage discussion and interaction. For example, mapping tools were provided for people to draw or write their ideas and experiences. Visual tools were used to explain the history and effects of floods such as aerial maps, flood modelling animation videos and 'fly through' videos of catchment areas. The use of different mediums seeks to meet the diverse communication styles in our community.

Information was distributed to early morning commuters at Helensburgh and a hearing loop was offered at the workshop to encourage participation in the Helensburgh Town Centre Masterplan process. Workshops were held at child care facilities and schools, encouraging participation by children and young people in decisions that affect the area they live in. Feedback has been added to engagement activity invitations advising of support options available to enable attendance and measures have been taken to make our print material more accessible.

GOAL 4: WE ARE A CONNECTED AND ENGAGED COMMUNITY

Actively engage people with disability and carers in the delivery, evaluation and monitoring of the Disability Inclusion Action Plan 2016-20

During the quarter, a number of initiatives have been undertaken to actively engage people with disability. The Public Toilet Strategy 2019-2029 and the Beach and Foreshore Access Strategy 2019-2028 Public Exhibitions and the engagement for the Warrawong Community Centre and Library were promoted to people with disability and support agencies. Feedback was also sought from organisations around the existing adult lift and change table at Stuart Park.

The Walking, Cycling and Mobility Reference Group which includes representation from people with disability held its first meeting in February 2019.

Continue to seek external funding to support the delivery of core community infrastructure projects

During the quarter, Council was successful in securing \$20,000 under the Community Building Partnerships \$20,000 towards the Wiseman Park Sports field lighting project. Council was also awarded \$140,000 towards the upgrade of the Allen Street car park under the Port Kembla Community Investment Fund.

Performance Measures

- Sick Leave | 7.16 Days (Q3 2018 – 7.82 days)
- Number of Twitter followers for Council | 5,839 (Q3 2018 – 5,496)
- Carers Leave | 0.63 Days (Q3 2018 – 0.61 days)
- Lost Time Injury Frequency Rate | 17.91 (Q3 2018 – 13.14)
- Number of media releases issued | 41 (Q3 2018 – 41)
- Number of Council Facebook page 'likes' | 25,462 (Q3 2018 – 22,766)
- Workers compensation costs as a percentage of payroll | 0.00 % (Q3 2018 – 1.73%)
- Telephone calls are answered within 30 seconds | 86 % (Q3 2018 – 82%)
- Enquiries made in person are welcomed and attended to within 5 minutes | 95 % (Q3 2018 – 92%)

GOAL 5: WE HAVE A HEALTHY COMMUNITY IN A LIVEABLE CITY

Construct synthetic football pitch at Ian McLennan Park, Kembla Grange

During the quarter, works on the \$2.765M synthetic football pitch continued with the first two stages of the project at practical completion and handed over to Council. Council worked closely with Football South Coast and the NSW government to create a year-round venue and is the first Fédération Internationale de Football Association (FIFA) accredited synthetic pitch in the city. The project includes:

- Synthetic turf field to main field to comply with all FIFA and Football NSW requirements;
- LED lighting to synthetic turf field, the natural turf field, and the junior natural turf field; and
- Sportsfield fencing around the synthetic field.

The project was funded by Council (\$1.4M), Football South Coast (\$0.8M) and NSW government grants (\$0.565M).



[IMAGE: Greg Valic from South Coast United, Football South Coast Chairman Eddy De Gabriele, Acting Lord Mayor Cr David Brown, NSW Member for Shellharbour Anna Watson, NSW Member for Kiama Gareth Ward, Chief Executive Officer Ann-Marie Balliana, Federal Member for Whitlam Stephen Jones, Councillor Cameron Waters, and Robert Kirkwood, from Polytan Asia Pty Ltd

Implement, monitor and report on the Disability Inclusion Action Plan 2016-2020

During the quarter a range of projects and initiatives were undertaken to progress the delivery of the Disability Inclusion Action Plan, including:

- Continuing to support Human Resources regarding the recruitment and support of people with disability;
- Developing and delivering Autism Awareness training internally with Council staff;
- Providing alternative methods of communication for the community through the use of social stories for the Art Gallery, Youth Centre, events and Council services and programs.

GOAL 5: WE HAVE A HEALTHY COMMUNITY IN A LIVEABLE CITY

- Undertaking a Pilot of The Quiet Space at Australia Day 2019.
- Two Sensory Play sessions were held in the Mall during January 2019;
- An accessible and inclusive events checklist was developed to assist with the planning and delivery of accessible events;
- Currently investigating how to promote access and inclusion play space features through Council website;
- Organised tours of the Wollongong Youth Centre for a number of disability groups such as school leavers employment programs and support units from local high schools; and
- The guest speakers for Council Diversity Awareness Training (a key part of Council staff inductions) has been expanded to include a person with autism.

Deliver the funded actions of the Ageing Plan 2018-2022

A key highlight of the March quarter was the Seniors Week and Festival, held 13-24 February. A number of different activities were held across the two weeks, such as a Greek Island-Inspired Luncheon at the Wollongong Hellenic Club in West Wollongong, a Bush Dance Taster at the Wongawilli Community Hall, walking soccer at North Wollongong, garden discovery tours of the Botanic Garden and watercolour workshops for beginners. Other highlights from the quarter include:

- Health information delivered to the community via the Health Skin information session, held on 21 March 2019 which 20 people attended;
- Continued to support the Polish Community in accessing a community bus for the seniors group;
- Council staff attended the Human Centred Design for Seniors seminar; and
- An initial discussion was held with Council of the Ageing (COTA) to consider the possibility of hosting a My Aged Care Navigator Hub in Council's Central Library.

Deliver library infrastructure projects identified in Wollongong City Libraries Supporting Document 2017-2022

A project control group has been established to lead the Helensburgh and Warrawong Library and Community Centre's planning, design and eventual build. The Warrawong brief has been made public and a meeting is scheduled for early May 2019 to review responses. The Helensburgh project is progressing with discussions focussing on the location and footprint size, with the investigation of a number of sites at Helensburgh nearing completion. Plans are also underway for a study room at Dapto Library to provide a quiet space for reflective private and small group work, and investigations are underway for a 'quiet space' within Thirroul Library.

Undertake high priority works, as per open space works schedule to strengthen connections and people movement

Renewal works at Austinmer War Memorial precinct continued during the quarter and was completed early, in time for Anzac Day 2019. The project is part of Council's ongoing focus to upgrade the popular Austinmer Beach precinct. The work will include new level paved area for ceremonies to replace the existing uneven and aged pavers and concrete footpath, and the construction of an accessible pathway between Lawrence Hargrave Drive and the memorial. A new granite-clad low memorial wall – of a similar style to that at the Vietnam Veterans Memorial on Flagstaff Hill in Wollongong – will help emphasise the significance of the site and border the new level paved area. A new connection from the War Memorial to the existing path adjacent to the surf club will also be built to provide an additional equal access pathway from the memorial to the beach promenade.

GOAL 5: WE HAVE A HEALTHY COMMUNITY IN A LIVEABLE CITY

Open space works also continued during the quarter, with Council's Urban Greening Strategy remaining a key focus with work teams currently pursuing works at a number of suburbs throughout the Local Government Area.



[IMAGE: Refurbished War Memorial at Austinmer]

Performance Measures

- Community Transport trips | 29,927 (Q3 2018 – 37,837)
- Direct-Run District Level Community Facilities visitation | 70,339 (Q3 2018 – 49,351)
- Utilisation of Direct-Run District Level Community Facilities | 8,576 Hours (Q3 2018 – 9,301 hours)
- Social Support hours of service | 8,918 Hours (Q3 2018 – 7,882 hours)
- Total Visits commercial heated pools: Corrimal | 52,094 (Q3 2018 – 52,257)
- Utilisation/visitation at pools | 697,893 (Q3 2018 – 608,271)
- Utilisation/visitation at beaches | 649,527 (Q3 2018 – 708,303)
- Total Visits commercial heated pools: Dapto | 30,310 (Q3 2018 – 28,017)

GOAL 6: WE HAVE AFFORDABLE AND ACCESSIBLE TRANSPORT

Complete the construction of the Fowlers Road extension to Fairwater Drive

The construction of the Fowlers Road to Fairwater Drive, the largest civil project undertaken by Council project is progressing well. Highlights of the quarter include: completion of the Marshall Street realignment; completion of all bridge piers; progress on the installation of bridge beams and; modifications to the Fairwater Drive/Daisybank Drive intersection.

Significant progress has also been made with the acquisition of properties along the Princes Highway which will allow the proposed widening of the road. This will facilitate the installation of improvements to the intersection of Fowlers Road and the Princes Highway.



[IMAGE: Council officer, Christopher Brown providing an update on the Fowlers Road extension to Fairwater Drive project, West Dapto]

Promote access to community transport

During the quarter, community transport received 382 new referrals, slightly higher than the 357 reported during the December quarter. The service requires very minimal promotion, as the demand for service continues to grow. Despite strong consumer uptake and referral numbers, staff take every opportunity to promote the service - and in particular the Travel Training program - at sector meetings within the region such as the Community Care Forum and at a variety of community events (for example, Senior Expo). All marketing and promotional materials have been updated in line with changes to the funding sources.

GOAL 6: WE HAVE AFFORDABLE AND ACCESSIBLE TRANSPORT

Deliver the road resurfacing and reconstruction program

Delivery of Council's annual road resurfacing and reconstruction program continued during the quarter, including the Marshall Street deviation project and realignment works. The Marshall Street deviation project is complex and offered some unexpected challenges. While the kerb and guttering, footpath and retaining walls works are underway and the road foundation improvements have started, the original designs were required modification. Changes were required to the new underground draining line to thread a pipeline between a complex array of existing electrical, water, gas and telecommunications services, located at varying below ground depths. These challenges were successfully overcome and the road reopened on 23 February. This significant, essential infrastructure project will provide flood-reliable access to the growing West Dapto community and improve traffic congestion throughout the area.



[IMAGE: Works on the Marshall Street deviation project, West Dapto]

Lobby the NSW Government to prioritise Maldon Dombarton train line to be used as a dual purpose freight and passenger line improving connectivity to South Western Sydney and the future Badgery's Creek Aerotropolis

Council recently provided feedback to the Transport for NSW "2056 transport strategy". This strategy supports the greater Sydney planning Commission 3 cities approach, with key links for Wollongong being the M1 and the Maldon-Dombarton rail line. Council is also an active member of the South East Australian Transport Strategy Inc. (SEATS).

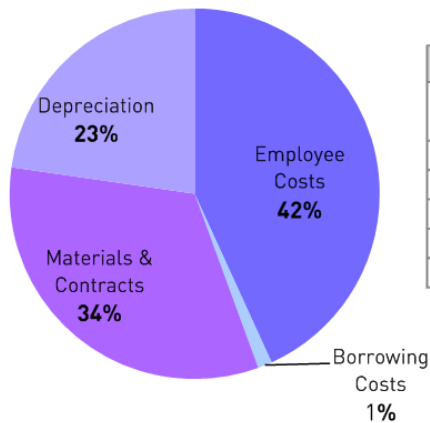
Performance Measures

- Delivery of Council's Capital Program | 68% (Q3 2018 – 65%)

How we performed against our budgets

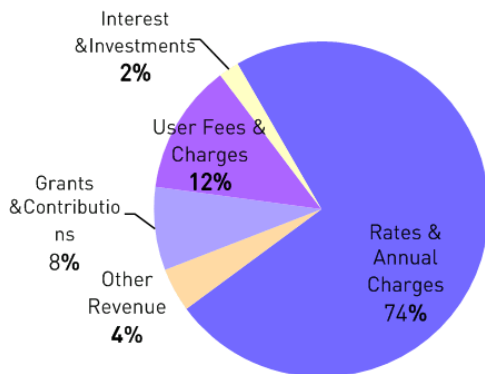
Budget 2018-19

The graph below shows Council's expenses from ordinary activities by expense type for the quarter:



Expense Type (\$'M)	YTD Actual	Proposed budget
Employee Costs less Internal Charges	87.1	116.3
Borrowing Costs	2.5	3.3
Materials & Contracts	66.3	93.5
Depreciation	45.8	63.1
Loss on Disposal of Assets	1.3	0.0
Total	203.1	276.2

The graph below shows Council's revenue from ordinary activities by revenue type for the quarter:



Income Type (\$'M)	YTD Actual	Proposed budget
Rates & Annual Charges	147.1	197.3
Other Revenue	8.5	11.4
Profit on disposal of Assets		
Grants & Contributions	16.1	30.7
User Fees & Charges	25.3	33.6
Interest & Investments	3.9	4.9
Total	200.9	277.9

Budget Review Statement Report of Chief Financial Officer

The revised financial estimate proposed at March are inclusive of the recognition of the early payment of the Financial Assistance Grant 2019-2020 as advised in the Federal Budget 2019 along with a range of other adjustments that have impacted the forecast Operating Result [pre capital] but do not greatly impact the Funds Result.

The proposed variations generate an improvement in the Operating Result [pre capital] of \$9.7 million and an improvement of \$9.2 million in both the Funds Available from Operations and Funds Result. The Financial Assistance Grant early payment is estimated at \$9.1 million.

The following table and comments provide a summary view of the organisation's revised forecast and proposed variations for the 2018-2019 financial year based on year to date performance and anticipated results to June 2019.

Table 1

FORECAST POSITION	Original Budget	Current Budget	Proposed Budget	YTD Actual	Proposed Variation
	\$M	\$M	\$M	\$M	\$M
KEY MOVEMENTS	July	December	March	March	Proposed Variation
Operating Revenue	267.1	268.1	277.9	199.5	9.8
Operating Costs	(274.0)	(276.2)	(276.2)	(201.8)	(0.0)
Operating Result [Pre Capital]	(6.9)	(8.1)	1.6	(2.3)	9.7
Capital Grants & Contributions	53.8	42.1	60.4	40.4	18.3
Operating Result	46.9	34.0	62.0	38.2	28.0
Funds Available from Operations	56.2	55.0	64.3	41.6	9.2
Capital Works	98.0	108.2	118.3	77.4	10.1
Contributed Assets	10.2	10.2	20.9	-	10.7
Transfer to Restricted Cash	1.5	1.5	1.4	1.1	(0.1)
Borrowings Repaid	7.7	7.7	7.7	6.5	0.0
Funded from:					
- Operational Funds	54.7	53.9	54.1	28.8	0.2
- Other Funding	53.4	64.4	85.1	48.6	20.7
Total Funds Surplus/(Deficit)	(7.7)	(8.1)	1.1	5.2	9.2

OPERATING RESULT [pre capital]

The major variations are summarised broadly below with further details provided throughout this report. Favourable variations are identified as (F) and Unfavourable (U):

The proposed Operating Surplus [pre capital] of \$1.6 million (which is inclusive of the \$9.1M prepayment of Financial Assistance Grant 2019-2020 in the current financial year) represents an improvement against budget of \$9.7million that is made up of both funded and cash variations.

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FUNDED VARIATIONS (NO FUND IMPACT)

These are variations where the unfavourable adjustments are funded from restricted cash or a reduction in Capital budget and the favourable variances are transferred to Restricted Assets or are non-cash items and therefore do not impact the Funds Result. These variations include:

- Operational grants \$0.6M (F)
- License for land access (proposed to be transferred to internally restricted cash) \$0.1M (F)
- Funded projects in progress to be completed in 2019/20 \$0.3M (F)
- Domestic Waste Services operational improvements \$0.1M (F)
- Southern Phones dividend for prior financial year \$0.1M (F)
- Additional interest revenue associated with external cash holdings \$0.1M (F)
- Employee entitlements \$0.1M (F)
- Funded projects introduced during quarter \$0.5M (U)
- Depreciation to recognise timing of contributed asset for West Dapto \$0.2M (U)
- Review of operating income and expenditure for West Dapto \$0.1M (U)

OTHER VARIATIONS

Other variations are cash type changes that impact both favourable and negatively on this year's Operating and Funds results. These variations include:

- Early payment of part of the 2019-2020 Financial Assistance Grant in 2018-2019 \$9.1M (F)
- Waste Facility operations net improvement \$0.5M (F)
- Non-funded Projects in progress to be completed in 2019-2020 \$0.3M (F)
- Reversal of items expensed in previous years but not invoiced to Council \$0.2M (F)
- Street lighting electricity \$0.3M (U)
- Projects brought forward from future years \$0.3M (U)
- Retrospective lease adjustment \$0.1M (U)
- Reinstatement of position incorrectly removed \$0.1M (U)
- Reduction in Cemetery and leasing income \$0.1M (U)
- Reduction in legionella inspection income \$0.1M (U)

OPERATING RESULT

The proposed Operating Result of \$62.0M represents an improvement of \$28.0M compared to budget that includes the above variations as well as increased levels of developer contributions \$1.6M, notional value of contributed assets \$10.7M and capital grants \$6.0M.

CAPITAL PROGRAM

During the quarter, the capital budget expenditure projections have been increased by \$10.1M and contributed assets by \$10.7M that are offset by funding from restricted cash. Capital program changes have been reported and approved by Council through the monthly reporting process.

FUNDS RESULT

The Funds Result improvement of \$9.2M is largely due to early payment of the first two quarters of the 2019-2020 Financial Assistance Grant in the current financial year. This result also has a range of smaller proposed adjustments that effectively offset one another.

The revised forecasts include the recognition of income from a licence agreement entered into with a developer for access to Council land in Sheaffes Road West Dapto. The licence will give the developer access to the land for a 2 - 3 year period to undertake agreed works that on completion, will be dedicated as a public road by Council. Council will receive \$0.9 million as part of this arrangement and this income has been reflected over a 3 year period in the financial forecasts. In accordance with the Commercial Property Strategy that was presented to Council in November 2015, it has been proposed that this income be transferred to Property Investment Fund internally restricted asset.

The revised forecasts continue to hold a notional estimate for potential improvements of \$1.5 million for 2018-2019 that was introduced at the September Review. Current monthly financial reporting trends support this approach.

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Further details of variations are discussed through this report with favourable changes identified as (F) and Unfavourable (U) with a more comprehensive list provided in Table 7.

Income & Expense

- User Charges & Fees \$0.5M (U).** This unfavourable variance is due to lower Commercial Tipping income (\$0.5million), a prior year adjustment for rental income (\$0.1million) and a reduction in Cooling Tower inspections for legionella (\$0.1million). These are partly offset by increased income from residential waste drop of and Planning and Building approval income.
- Other Revenue \$0.3M (F).** This favourable variance is mainly due to an adjustment for items expensed in previous years that have now been reversed (\$0.2 million) and new income from a licence agreement to access Council land (\$0.2million). These improvements are offset by a decrease in commercial lease income (\$0.1million). Under the conditions of the licence agreement the developer will pay Council \$0.9 million over three financial years (2018/19 \$0.2 million, 2019/20 \$0.4 million and 2020/21 \$0.3 million). The revised forecasts propose that this income be transferred to the Property Investment Fund internally restricted asset.
- Interest and Investment Income \$0.2M (F).** Proposed variance is due to receipt of \$0.1 million dividend from Southern Phones and increase investment earning attributed to higher restricted cash holdings. These improvements do not impact on the Funds Result as they are offset by corresponding transfers to restricted cash.
- Grants and Contributions – Operating \$9.8M (F).** This variation is due to the expected early payment of the first two quarters of the 2019-2020 Financial Assistance Grant in June 2019 estimated at \$9.1 million and a number of additional smaller operating grants (\$0.6 million). The early payment of the Financial Assistance Grant reflects as an improvement in the current year forecasts with a corresponding deterioration in 2019-2020 projections. Increase in other grant income is offset by a transfer to restricted cash and as such does not impact on the Funds Result.
- Grants and Contributions – Capital \$18.2M (F).** The revised forecasts include the proposed recognition of an additional \$10.7 million for contributed assets for West Dapto that reported as capital income, earlier recognition of Restart Illawarra grant funding (\$5.8 million) for Fowlers Road reflecting project progress, and an increase in developer contributions for Citywide/City Centre and West Dapto of \$0.8 million and \$0.7 million respectively and \$0.2 million for PKCIF grant funds.
- Employee Cost \$0.7M (U).** The proposed change in Employee Costs projections includes a change in resourcing for projects that were previously budgeted under Materials and Contracts (\$0.4 million), and the introduction of additional community consultation resources to support the capital program (\$0.2 million).
- Materials, Contracts and Other Expenses \$0.7M (F).** The proposed adjustment includes reduction of \$0.7 million in EPA levy costs and \$0.4 million for projects to be resourced through Employee Costs. These are partially offset by acceleration in delivery of the WHS Behavioural Program with budget being brought forward from 2019-2020 to support this (\$0.3 million) and an adjustment in timing for the delivery of a range of funded projects.
- Depreciation \$0.2M (U).** The proposed increase in depreciation costs reflects expected timing of contributed assets for West Dapto.
- Internal Charges \$0.2M (F).** The favourable variance is due to application of community consultation resources to capital projects.

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Cash & Investments

Projected cash and investments holdings at March indicate an increase of \$5.1million that is attributed mainly to the early payment of the 2019-2020 Financial Assistance Grant and additional grant and contributions income that is offset by acceleration of capital program expenditure.

The Available Funds forecast shown below excludes movement in externally and internally restricted cash such as timing of special purpose grants and contributions and progress of funded projects and revised forecast is largely due to the impact of the early payment of the Financial Assistance Grant.

Table 2

CASH, INVESTMENTS & AVAILABLE FUNDS					
	Actual 2017/18	Original Budget 2018/19	December QR 2018/19	March QR 2018/19	Actual Ytd March 2019
	\$M	\$M	\$M	\$M	\$M
Total Cash and Investments	157.8	148.5	132.3	137.4	155.9
Attributed to:					
External Restrictions					
Developer Contributions	19.0	43.1	28.0	31.5	33.2
Specific Purpose Unexpended Grants	2.7	3.6	4.9	-	4.4
Special Rates Levy City Centre	0.1	0.1	0.3	0.1	0.3
Unexpended Loans	21.7	11.3	3.5	7.0	9.4
Domestic Waste Management	12.8	12.9	13.6	13.8	13.3
Private Subsidies	5.0	4.5	6.4	5.9	5.0
Housing Affordability Program	10.5	10.8	10.8	10.8	10.7
Stormwater Management Charge	1.3	1.5	0.9	1.4	1.5
Total External Restrictions	73.1	87.7	68.3	65.7	77.8
Internal Restrictions					
Property Investment Fund	8.3	8.2	8.2	8.3	8.3
Strategic Projects	53.3	42.5	42.2	42.0	45.6
Sports Priority program	0.4	0.7	0.5	0.5	0.6
Car Parking strategy	1.1	1.0	1.2	1.7	1.5
MacCabe Park Development	1.1	1.3	1.3	1.3	1.3
Darcy Wentworth Park	0.2	0.2	0.2	0.2	0.2
Garbage Disposal Facility	2.2	(1.7)	0.5	0.0	0.4
Telecommunications Revenue	0.2	-	-	-	0.1
West Dapto additional rates	0.8	4.6	4.6	4.6	4.9
Natural Areas	0.3	0.2	0.2	0.2	0.3
Lake Illawarra Management Fund	0.2	0.2	0.2	0.2	0.3
Total Internal Restrictions	68.1	57.3	59.0	59.0	63.3
Available Cash	16.5	3.5	5.0	12.7	14.8
Net Payable & Receivables					
Payables	7.0	11.6	10.3	12.5	13.9
Receivables	(30.8)	(24.7)	(24.9)	(24.9)	(26.7)
Other	27.2	25.0	24.2	26.4	26.1
Other	10.6	11.3	11.0	11.0	14.6
Available Funds	23.5	15.1	15.3	25.2	28.7

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Long Term Financial Projections

The revised long term projections are continually reviewed through the annual planning process in line with the Financial Strategy targets to reflect current information from both external sources and internal analysis as it comes to hand. Council has a continuous budget process that revises the long term forecasts in line with quarterly changes and resets assumptions and indices annually or where new information leads to an immediate requirement to change the indices.

The revised forecasts are inclusive of changes proposed through the March Quarterly Review. The Long Term Financial Projections will continue to be updated as more definitive information becomes available including any outcomes from the exhibition period of the draft Operational Plan 2019-2022 that closed recently.

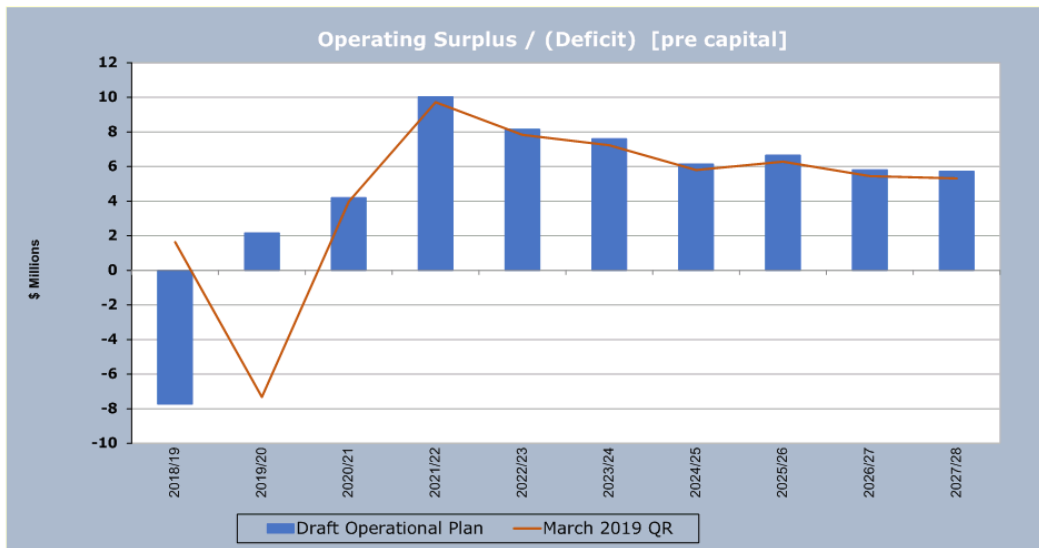
Long Term Operating Surplus/(Deficit) [pre capital]

The Operating Result [pre capital] provides an indication of the long term viability of Council. In broad terms, a deficit from operations indicates that Council is not earning sufficient revenue to fund its ongoing operations (services) and continue to renew existing assets over the longer term. While this measure important it does include timing issues and impacts from specific transactions and operations which make it less accurate in demonstrating current performance. The Funds Available from Operations below is a more accurate indicator of current financial performance

The revised forecasts at the March indicate an improvement in 2018-2019 result with a corresponding reduction in 2019-2020 that is due to the recent advice in the Federal Budget that the first two instalments of the 2019-2020 Financial Assistance Grant will be paid during June 2019.

Future years have been impacted by the recurrent decrease in cooling tower income as a result of changes in legislation and Council's role in this service and decrease in a number of commercial leases reflecting market conditions. Long term projections have also been revised to include an increase in the Emergency Services Levy to support firefighters with cancer. Based on recent advice from the State Government an additional increase (beyond current indexation) of \$0.2million has been provided for 2019-2020 and 2020-2021 bringing Council's annual contribution to \$4.0 million.

Table 3



Funds Available from Operations

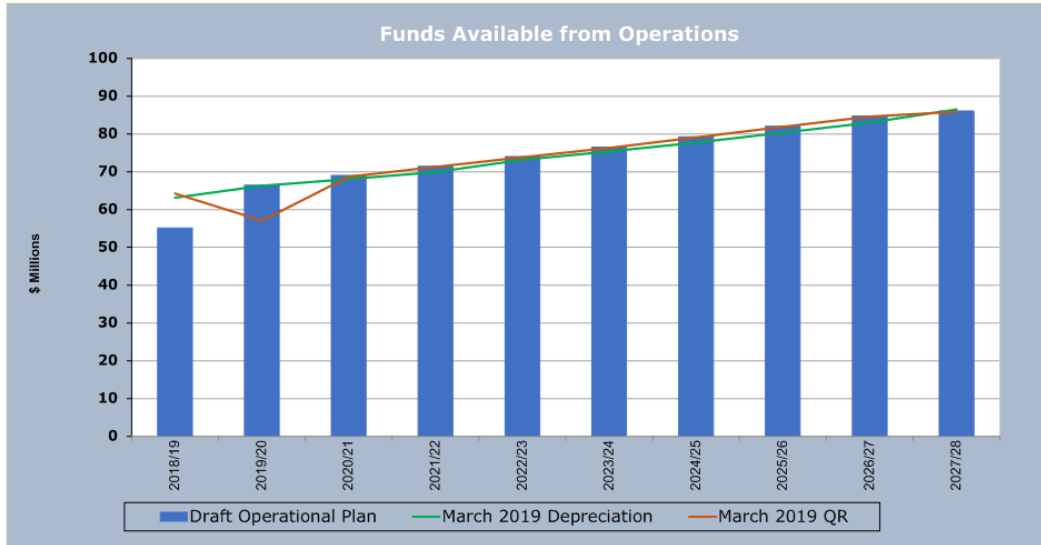
The matching of Funds Available from Operations with Council's asset renewal target (currently depreciation over the long term) is a primary target of Council to provide for effective renewal of assets and growth in assets.

The following graph shows the forecast depreciation expenses compared to Funds Available from Operations. This indicator demonstrates the capacity to generate sufficient funds from operations to meet that level of asset renewal requirement. The graph currently shows Council slightly exceeding its

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target of providing Funds from Operations equal to depreciation. Funding requirements and depreciation estimates will continue to be reviewed over time.

Table 4

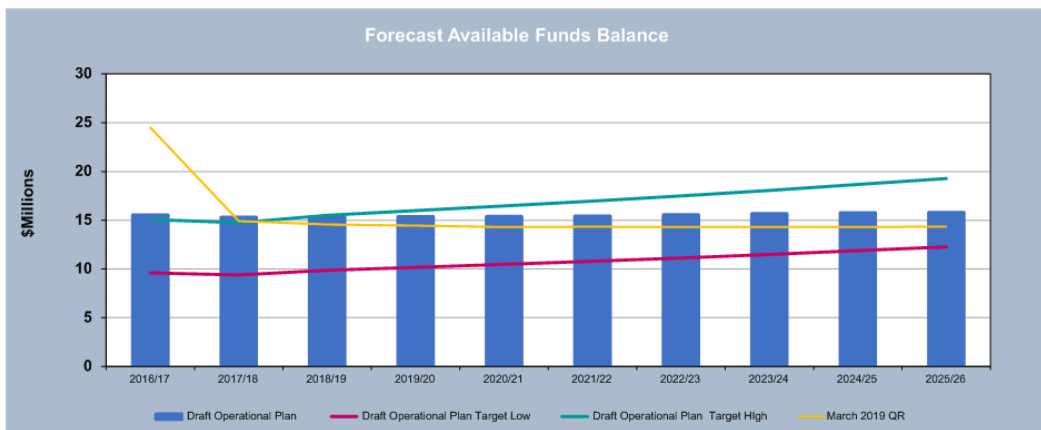


Available Funds

Available Funds are the uncommitted funds of an organisation that assist in meeting the short term cash requirements, provide contingency for unexpected costs or loss of revenue and provide flexibility to take advantage of opportunities that may arise from time to time. Council’s Financial Strategy has a target to achieve and maintain an Available Funds position between 3.5% and 5.5% of operational revenue [pre capital].

The Available Funds remain within Council’s Financial Strategy target of 3.5% to 5.5% of operational revenue [pre capital]. The target range for Available Funds at March 2019 is between \$9.7 million and \$12.7 million (lower range) and between \$15.3 million and \$20.0 million (upper range) over the life of the Long Term Financial Plan. While there has been some deterioration in the forecast result, mainly due to some decreases in income, Council continues to remain within the target range.

Table 5



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Table 6

WOLLONGONG CITY COUNCIL					
March 2019 Quarterly Review					
	Original Budget \$'000	December 2018 Budget \$'000	March 2019 Actual YTD \$'000	Proposed Variation \$'000	Proposed Budget \$'000
Income Statement					
Income From Continuing Operations					
Revenue:					
Rates and Annual Charges	199,052	197,255	147,098	19	197,273
User Charges and Fees	33,601	34,110	25,255	(480)	33,630
Interest and Investment Revenues	4,572	4,678	3,941	175	4,853
Other Revenues	10,062	11,130	8,487	267	11,397
Grants & Contributions provided for Operating Purposes	19,837	20,952	16,095	9,779	30,731
Grants & Contributions provided for Capital Purposes	53,752	42,105	40,444	18,263	60,368
Other Income:					
Profit/Loss on Disposal of Assets	0	0	(1,330)	0	0
Total Income from Continuing Operations	320,876	310,230	239,989	28,023	338,253
Expenses From Continuing Operations					
Employee Costs	129,419	131,955	97,286	685	132,639
Borrowing Costs	3,310	3,330	2,529	0	3,330
Materials, Contracts & Other Expenses	94,996	96,508	67,828	(686)	95,823
Depreciation, Amortisation + Impairment	64,508	62,919	45,826	213	63,132
Internal Charges (labour)	(16,581)	(16,878)	(10,182)	533	(16,345)
Internal Charges (not labour)	(1,653)	(1,602)	(1,480)	(732)	(2,333)
Total Expenses From Continuing Operations	273,999	276,233	201,807	14	276,246
Operating Result	46,877	33,997	38,182	28,009	62,007
Operating Result [pre capital]	(6,874)	(8,108)	(2,262)	9,746	1,638
Funding Statement					
Net Operating Result for the Year	46,877	33,997	38,182	28,009	62,007
Add back :					
- Non-cash Operating Transactions	82,076	80,859	60,574	312	81,171
- Restricted cash used for operations	13,030	18,630	11,995	126	18,756
- Income transferred to Restricted Cash	(72,658)	(64,956)	(58,387)	(19,237)	(84,193)
- Payment of Accrued Leave Entitlements	(13,146)	(13,485)	(10,791)	0	(13,485)
Net Share Joint Venture using Equity Method	0	0	0	0	0
Funds Available from Operations	56,178	55,045	41,572	9,210	64,255
Borrowings repaid	(7,692)	(7,692)	(6,489)	0	(7,692)
Advances (made by) / repaid to Council	0	0	0	0	0
Operational Funds Available for Capital Budget	48,486	47,353	35,084	9,210	56,564
CAPITAL BUDGET					
Assets Acquired	(97,962)	(108,201)	(77,358)	(10,127)	(118,328)
Contributed Assets	(10,169)	(10,169)	0	(10,682)	(20,851)
Transfers to Restricted Cash	(1,497)	(1,497)	(1,123)	102	(1,395)
Funded From :-					
- Operational Funds	48,486	47,353	35,084	9,210	56,564
- Sale of Assets	1,795	1,795	853	0	1,795
- Internally Restricted Cash	11,310	11,382	8,229	203	11,585
- Borrowings	0	0	0	0	0
- Capital Grants	12,210	14,815	18,592	12,951	27,766
- Developer Contributions (Section 94)	8,195	9,068	3,514	(2,009)	7,059
- Other Externally Restricted Cash	9,230	16,311	14,478	(1,121)	15,190
- Other Capital Contributions	10,689	11,072	2,897	10,633	21,705
TOTAL FUNDS SURPLUS / (DEFICIT)	(7,713)	(8,071)	5,166	9,160	1,089

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Table 7

MAJOR VARIATIONS PROPOSED \$'000s	Offsetting Items for Fund	Surplus	Deficit	Net by type
REVENUES FROM ORDINARY ACTIVITIES				
Rates & Annual Charges				
Domestic Waste	67			
West Dapto rates	(48)			19
User Charges & Fees				
Waste Facility Commercial Tipping	(501)			
Waste Facility Residential drop off	100			
Planning & Building approvals	150			
Cemetery & memorial gardens income			(17)	
Retrospective lease adjustment Wollongong Tennis Club tenancy			(118)	
Cooling Tower inspection income reduction associated with legislation changes			(85)	
Reallocation to Other Revenues	10			
Other			(19)	(480)
Interest and Investment Income				
Southern Phones 2017-18 dividend	95			
Additional income related to restricted asset cash holdings	80			175
Other Revenue				
Prior year creditor write back		183		
Licence for access to Council Land West Dapto	150			
Commercial Lease Income			(65)	
Reallocation from User charges & Fees	(10)			
Other			9	267
EXPENSES FROM ORDINARY ACTIVITIES				
Employee Costs				
Tfr To/From Materials and Contracts				
CCED	(5)			
Urban Greening Program	(75)			
One Solution Implementation	(366)			
Community Engagement	(171)			
Multimedia staffing	(20)			
Planning & Building resourcing	(40)			
Domestic Waste resourcing	17			
Adjustment of funded projects				
Community Transport	76			
Social Support	(42)			
Smart Cities and Suburbs Round 2	(27)			
Bellambi ASIT	(10)			
Reinstatement of budget incorrectly removed			(106)	
West Dapto operational costs	(55)			
Other	153	(14)		(685)

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Table 7 (continued)

MAJOR VARIATIONS YTD compared to Budget	\$'000s	Offsetting Items for Fund	Surplus	Deficit	Net by type
Materials, Contracts & Other Expenses					
Street Lighting				(300)	
Planning & Building resourcing		(110)			
Reallocation to/from Other Categories					
Urban Greening Program		75			
CCED		5			
One Solution Implementation		366			
Continuing projects in progress to be completed in 2019/20					
Economic Development Placeholder			150		
Blue Mile Masterplan Update			46		
Cringila Hills			35		
Facilities Planning Development			34		
Floodplain studies & plans		133	8		
Integrate Facilities Planning		5	4		
Social Enterprise Handbook		14			
Beaton Park Masterplan		97			
Social Infrastructure Document		30			
Projects brought forward from future years					
WHS Behavioural Program				(250)	
Industrial Land Planning Controls Review				(10)	
Helensburgh Town Centre Planning Study				(20)	
Adjustments to funded projects					
Community Transport		93			
Social support		104			
Otford Tunnel Feasibility		102			
Domestic Waste operations		41			
Stormwater management operational projects		(250)			
Bellambi ASIT		(204)			
Housing Acceleration Fund - West Dapto Road		(180)			
Smart Cities and Suburbs Round 2		(176)			
Waste Wise Events - funded through Better Waste & Recycling		(80)			
Other		56			
Waste Facility Operations					
EPA Levy		401	276		
Other operational costs			183		
Various other adjustments			8		686
Borrowing Costs					
Depreciation					
		(213)			(213)
Internal Charges					
Community Engagement & multi media		191			
Domestic Waste		8			199
Profit on Sale of Assets					

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Table 7 (continued)

MAJOR VARIATIONS YTD compared to Budget	\$'000s	Offsetting Items for Fund		Net by type
		Surplus	Deficit	
Grants & contribution - Operating				
Financial Assistance Grant		9,130		
Smart Cities		248		
Safe Communities		224		
Housing Acceleration Fund		180		
Other		(3)		9,779
Operating Variation [pre capital]		685	10,043	(981)
Capital Grants & Contributions				
Developer Contributions				
City Wide		800		
City Centre		30		
West Dapto		715		
West Dapto Contributed Assets		10,682		
Grants & Contributions				
Shark Observation		38		
Restart Illawarra (re Fowlers Rd)		5,760		
PKCIF funding		238		
Other				18,263
Operating Variation [post capital]		18,948	10,043	(981)
FUNDING STATEMENT				
Non Cash Items				
Leave Liability			99	
Depreciation		213		312
Payment of Leave Entitlements				
Restricted Cash Used for Operations				
Externally funded project adjustments		259		
Domestic Waste		(133)		126
Income Transferred to Restricted Cash				
Developer Contributions		(12,227)		
Grants & contributions - capital		(6,036)		
Grants & contributions - operational		(649)		
Interest applicable to restricted assets		(175)		
Proceeds from licence for access to Council Land WD trf to Strategic P		(150)		(19,237)
Advances (made by)/repaid to Council				
OPERATIONAL FUNDS AVAILABLE FOR CAPITAL				
		50	10,141	(981)
CAPITAL BUDGET				
Increase in capital program		(10,127)		
External funding applied to capital		9,975		
Contributed asset		(10,682)		
Notional income for contributed assets		10,682		
Transfer to restricted cash for West Dapto future development		102		(50)

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Supporting Documents

Although there few changes proposed in the budgeted position for Supporting Documents at this Review, there remains a significant challenge organisationally for these projects to be delivered in full in the current reporting period.

Supporting Documents - Planning Studies & Investigations				
Service & Project	2018/19	2018/19	2018/19	Details
	Current Forecast \$000's	Proposed Forecast \$000's	Proposed Variation \$000's	
Economic Development	50	50	0	
Review Economic Development Strategy	50	50		
Land Use Planning	1,255	1,328	73	
West Dapto Review	358	351	(7)	
West Dapto Review Demographic and Economic Planning	140	140		
West Dapto Review Flood Consultant	150	150		
West Dapto Review Structure Plan	50	50		
West Dapto Review WaterCycle Masterplan	75	75		
West Dapto Review Specialist Consultants	80	80		
West Dapto Review Advisor	45	45		
West Dapto DCP Review 2019	20	20		
Housing Study	40	90		50 Increase funded within existing divisional budget
Port Kembla 2505 Study	62	62		
Industrial Land Planning Controls Review	0	10		10 Planned for 2020/21
Heritage Asset Management Strategy	45	45		
Helensburgh Town Centre Planning Study	10	30		20 Brought forward from 2019/20
City Centre Planning Review	180	180		
Stormwater Services	830	690	(141)	
Floodplain Management Studies	35	35		
Review of Towradgi Creek FRMS - 2015/16	100	25		(75) Continuing project to be completed 2019/20
Review of Hewitts Creek FRMS - 2015/16	105	25		(80) Continuing project to be completed 2019/20
Lower Gurungaty Causeway Detailed Design + REF	29	18		(11) Minor timing review
JJ Kelly Park Land Form Modification	65	84		19 Minor timing review
Review of Flood Studies & Floodplain Risk Mgmt Plans	65	65		
Duck Creek Flood Study	75	75		
Review of Collins Creek Flood Study	56	62		6 Minor timing review
Review of Allans Creek Flood Study	79	79		
Review of Wollongong City Flood Study	42	42		
Review of Fairy Cabbage Tree Creek Flood Study	50	50		
Kully Bay Flood Study	55	55		
Minnegang Creek Flood Study Review	75	75		
Environmental Services	13	13	0	
Biocertification for West Dapto	13	13		
Transport Services	479	499	20	
Corrimal Traffic Study and Access Movement	27	27		
Accessible Car Parking and Bus Stops audit	100	100		
Access and Movement Strategy Review	176	176		
Foreshore Parking Strategy	61	81		20 Project relocated for reporting
Bellambi Foreshore Precinct Plan	50	50		
Wollongong LGA Feasibility Studies	15	15		
Real Time Parking Information Signage	50	50		

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Supporting Documents - Planning Studies & Investigations				
Service & Project	2018/19	2018/19	2018/19	Details
	Current Forecast	Proposed Forecast	Proposed Variation	
	\$000's	\$000's	\$000's	
Community Facilities	73	0	(73)	
Social Infrastructure Supporting Document	30	0	(30)	Continuing project to be completed 2019/20
Integrated Facilities Planning	9	0	(9)	Continuing project to be completed 2019/20
Facilities Planning Development	34	0	(34)	Continuing project to be completed 2019/20
Community Programs	63	63	0	
Dapto Pilot Project	63	63		
Cultural Services	6	6	0	
Cultural Tourism Strategy	6	6		
Aquatic Services	41	41	0	
West Dapto Aquatic Facility Investigations	13	13		
Corrimal Pool Masterplan	28	28		
Botanic Garden and Annexes	35	35	0	
Botanic Garden Masterplan/Asset Mgmt. Plan	13	13		
Mt Keira Summit Park	22	22		
Leisure Services	100	3	(97)	
Beaton Park Precinct Masterplan	100	3	(97)	Continuing project to be completed 2019/20
Parks and Sportsfields	220	139	(81)	
Cringila Hills Site Assessment	72	37	(35)	Continuing project to be completed 2019/20
Hill 60 CMP and Aboriginal HIL	98	98		
Blue Mile Masterplan - update	50	4	(46)	Continuing project to be completed 2019/20
Property Services	64	44	(20)	
Bulli Showground Masterplan	44	44		
Foreshore Parking Strategy	20	0	(20)	Project relocated for reporting
Total Expenditure *	3,229	2,910	(319)	

*Expenditure shown above is for full project cost. A number of projects are supported from external grant funds or internal restrictions

Budget Review Statement Report of Chief Financial Officer

WOLLONGONG CITY COUNCIL		
	Actual 2018/19 \$'000	Actual 2017/18 \$'000
Balance Sheet		
Current Assets		
Cash Assets	12,932	26,491
Investment Securities	122,992	109,162
Receivables	26,109	27,037
Inventories	333	306
Other	14,602	10,666
Assets classified as held for sale	0	0
Total Current Assets	176,968	173,662
Non-Current Assets		
Non Current Cash Assets	20,000	22,115
Non-Current Receivables	0	0
Non-Current Inventories	5,835	5,835
Property, Plant and Equipment	2,470,964	2,343,724
Investment Properties	4,780	4,780
Westpool Equity Contribution	2,637	2,637
Intangible Assets	213	388
Total Non-Current Assets	2,504,429	2,379,480
TOTAL ASSETS	2,681,397	2,553,141
Current Liabilities		
Current Payables	26,345	30,010
Current Provisions payable < 12 months	13,165	12,667
Current Provisions payable > 12 months	37,710	37,710
Current Interest Bearing Liabilities	7,716	7,716
Total Current Liabilities	84,935	88,103
Non-Current Liabilities		
Non Current Payables	385	700
Non Current Interest Bearing Liabilities	18,844	25,039
Non Current Provisions	45,954	44,567
Total Non-Current Liabilities	65,183	70,306
TOTAL LIABILITIES	150,118	158,409
NET ASSETS	2,531,280	2,394,733
Equity		
Accumulated Surplus	1,330,071	1,291,205
Asset Revaluation Reserve	1,060,131	962,254
Restricted Assets	141,079	141,274
TOTAL EQUITY	2,531,280	2,394,733

Budget Review Statement Report of Chief Financial Officer

WOLLONGONG CITY COUNCIL		
CASH FLOW STATEMENT as at 29 March 2019		
	YTD Actual 2018/19 \$ '000	Actual 2017/18 \$ '000
CASH FLOWS FROM OPERATING ACTIVITIES		
<i>Receipts:</i>		
Rates & Annual Charges	153,647	193,451
User Charges & Fees	25,864	35,362
Interest & Interest Received	4,207	5,426
Grants & Contributions	51,592	50,700
Other	8,073	23,789
<i>Payments:</i>		
Employee Benefits & On-costs	(96,971)	(107,925)
Materials & Contracts	(31,676)	(65,774)
Borrowing Costs	(848)	(1,263)
Other	(29,394)	(53,565)
Net Cash provided (or used in) Operating Activities	84,493	80,201
CASH FLOWS FROM INVESTING ACTIVITIES		
<i>Receipts:</i>		
Sale of Infrastructure, Property, Plant & Equipment	853	10,923
Deferred Debtors Receipts	-	-
<i>Payments:</i>		
Purchase of Investments	-	-
Purchase of Investment Property	-	-
Purchase of Infrastructure, Property, Plant & Equipment	(80,703)	(93,550)
Purchase of Interests in Joint Ventures & Associates	1	-
Net Cash provided (or used in) Investing Activities	(79,850)	(82,627)
CASH FLOWS FROM FINANCING ACTIVITIES		
<i>Receipts:</i>		
Proceeds from Borrowings & Advances	-	-
<i>Payments:</i>		
Repayment of Borrowings & Advances	(6,489)	(7,513)
Repayment of Finance Lease Liabilities	-	-
Other Financing Activity Payments	-	-
Net Cash Flow provided (used in) Financing Activities	(6,489)	(7,513)
Net Increase/(Decrease) in Cash & Cash Equivalents	(1,845)	2,957
plus: Cash & Cash Equivalents and Investments - beginning of year	157,768	154,811
Cash & Cash Equivalents and Investments - year to date	155,923	157,768

WOLLONGONG CITY COUNCIL		
CASH FLOW STATEMENT as at 29 March 2019		
	YTD Actual 2018/19 \$ '000	Actual 2017/18 \$ '000
Total Cash & Cash Equivalents and Investments - year to date	155,923	157,768
<i>Attributable to:</i>		
External Restrictions (refer below)	77,823	73,142
Internal Restrictions (refer below)	63,256	68,129
Unrestricted	14,844	16,497
	155,923	157,768
External Restrictions		
Developer Contributions	33,192	18,961
RMS Contributions	509	29
Specific Purpose Unexpended Grants	3,855	2,715
Special Rates Levy Wollongong Mall	363	164
Special Rates Levy Wollongong City Centre	(88)	(42)
Local Infrastructure Renewal Scheme	4,946	14,721
Unexpended Loans	4,466	7,019
Domestic Waste Management	13,345	12,813
Private Subsidies	5,005	5,014
West Dapto Home Deposit Assistance Program	10,702	10,398
Stormwater Management Service Charge	1,526	1,265
West Dapto Home Deposits Issued	-	85
Carbon Price	-	-
Total External Restrictions	77,823	73,142
Internal Restrictions		
Property Investment Fund	8,274	8,276
Strategic Projects	45,642	49,404
Sports Priority Program	545	642
Car Parking Strategy	1,454	1,061
MacCabe Park Development	1,253	1,140
Darcy Wentworth Park	171	171
Garbage Disposal Facility	372	2,165
West Dapto Development Additional Rates	4,909	4,759
Southern Phone Natural Areas	288	266
Lake Illawarra Estuary Management Fund	349	245
Total Internal Restrictions	63,256	68,129

Budget Review Statement Report of Chief Financial Officer

The Quarterly Budget Review Statement (QBR) requirements issued by the Office of Local Government in December 2010 require Council to provide additional information that is included in the following schedules and this report should be read in conjunction with these.

The QBR guidelines require councils to provide a listing of contracts that have been entered into during the Quarter that have yet to be fully performed. Details of contracts, other than contractors that are on a council's preferred supplier list, that have a value equivalent of 1% of estimated income from continuing operations or \$50 thousand, whichever is the lesser, are required to be provided.

Contract Listing					
Budget Review for Quarter ended March 2019					
Contractor	Contract Detail & Purpose	Contract Value \$000's	Commencement Date	Duration of Contract	Budgeted Y/N
Community Transport - Procurement Exemption - Ledale Pty Ltd (Trading As Carty's Bus Rentals)	Bong Bong Road and Station Street Traffic Signals	18	1/01/2019	2018/20	Y
Kembla Terraces - Roof Replacement Project	Supply, install and operation of coin operated laundry equipment at Wollongong City Tourist Parks	1,638	7/01/2019	2018/19	Y
Wollongong Accessible Bus Stop Audit	CCTV Inspection and Reporting of Stormwater Pipelines	75	10/01/2019	2018/19	Y
Replacement Retaining Walls at Central Road Unanderra & Towradgi Beach Surf Life Saving Club Car Park	Baird Park Toilet Replacement	487	1/02/2019	2018/20	Y
Refurbishment of Stone Shelter Stuart Park	Retaining Wall Reconstruction - Princes Highway Russel Vale	197	4/02/2019	2018/19	Y
Walker Street Helensburgh - Water Main Protection and Culvert Construction	Hill 60 Conservation Management Plan and Aboriginal Cultural Heritage Assessment Report Consultancy	306	11/02/2019	2018/19	Y
Greenhouse Park - Site Auditor	Continental Pool Shade Sail Structure	22	18/03/2019	2018/24	Y
CCTV inspections - Package # 2019-2	Darkes Road Culvert Repair Works	97	25/03/2019	2018/20	Y

The QBR guidelines also require councils to identify the amount expended on consultancies and legal fees for the financial year. Consultants are defined as a person or organisation that is engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally, it is the advisory nature of the work that differentiates a consultant from other contractors.

Consultancy and Legal Expenses		
Budget Review for Quarter ended March 2019		
Expense	Expenditure YTD \$000's	Budgeted (Y/N)
Consultancies	2,514	YES
Legal Fees	774	YES

STATEMENT OF CHIEF FINANCIAL OFFICER

All investments held at 31 March 2019 were invested in accordance with Council's Investment Policy.

Bank reconciliations have been completed as at 31 March 2019.

Year to date cash and investments are reconciled with funds invested and cash at bank.

BUDGET REVIEW STATEMENT - REVISION TO FULL YEAR ESTIMATES

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005.

It is my opinion that the financial statements and schedules contained within the Quarterly Review Statement for Wollongong City Council for the quarter ended 31 March 2019 indicate that Council's projected financial position at 30 June 2019 will be satisfactory having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The overall year to date position is within expectations of the adopted budget across the broad range of indicators and on a budget outcome basis is acceptable.

BRIAN JENKINS
CHIEF FINANCIAL OFFICER

**APPENDIX 1: Annual Deliverables Progress By 3 Year Action – Delivery Program
 2018– 2021**

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
1.1.1.1 Implement programs and events which facilitate community participation to improve natural areas	100%	0%	0%	0%	0%
1.1.1.2 Projects and programs that achieve enhancement of the natural environment and escarpment are developed and implemented	86%	0%	14%	0%	0%
1.1.2.2 Protect and conserve the health and biodiversity of our waterways and coast	75%	0%	25%	0%	0%
1.1.2.2 The impacts of the increasing number of visitors to the coast and Lake Illawarra is managed effectively	100%	0%	0%	0%	0%
1.1.3.1 Manage vegetation to reduce bushfire risk in Asset Protection Zones on natural areas under Council care and control	100%	0%	0%	0%	0%
1.1.3.2 Establish effective urban stormwater and floodplain management programs	100%	0%	0%	0%	0%
1.2.1.1 Develop and implement a range of programs that encourage community participation in reducing Wollongong’s ecological footprint	100%	0%	0%	0%	0%
1.2.1.2 Promote and enforce compliance with litter reduction	100%	0%	0%	0%	0%
1.2.1.3 Methods to reduce emissions are investigated and utilised	100%	0%	0%	0%	0%
1.2.2.1 Our community is proactively engaged in a range of initiatives that improve the sustainability of our environments	100%	0%	0%	0%	0%

**APPENDIX 1: Annual Deliverables Progress By 3 Year Action – Delivery Program
2018– 2021**

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
1.3.1.1 Impacts from development on the environment are assessed, monitored and mitigated	100%	0%	0%	0%	0%
1.3.1.2 Develop planning controls and Town Centre and Neighbourhood Plans with regard to the economic, social and environmental impacts	30%	50%	0%	20%	0%
1.3.2.1 Carry out best practise assessment for urban development proposals and applications	100%	0%	0%	0%	0%
1.3.2.2 Mitigate the impact of development on the natural environment and visual amenity of our open spaces and urban areas	50%	50%	0%	0%	0%
1.4.1.1 Work in partnership with others to promote a diverse range of heritage education and promotion programs	100%	0%	0%	0%	0%
1.4.2.1 Work with the local Aboriginal community in the management of Indigenous heritage	100%	0%	0%	0%	0%
1.5.1.1 Set an emissions reduction target and carry out actions to reduce greenhouse gas emissions through the Global Covenant of Mayors	50%	50%	0%	0%	0%
2.1.1.1 Build on partnerships which enable the retention of local talent	100%	0%	0%	0%	0%
2.1.2.1 Ensure that Wollongong is attractive for business expansion, establishment and relocation.	100%	0%	0%	0%	0%
2.1.2.2 Progress implementation of the City for People and its accompanying Implementation Plan	100%	0%	0%	0%	0%

**APPENDIX 1: Annual Deliverables Progress By 3 Year Action – Delivery Program
2018– 2021**

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
2.1.3.1 Support regional activities and partnerships that promote business investment and jobs growth	100%	0%	0%	0%	0%
2.1.4.1 Develop and maintain partnerships with the business sector to fund and contribute to a broader range of community projects and activities	100%	0%	0%	0%	0%
2.1.5.1 In collaboration with key agencies, facilitate the West Dapto Taskforce to deliver the first stages of the West Dapto Urban Release Area	100%	0%	0%	0%	0%
2.2.1.1 The development of renewable energy products and services is supported	100%	0%	0%	0%	0%
2.2.1.2 Partnership opportunities in research and development are expanded	100%	0%	0%	0%	0%
2.2.2.1 In conjunction with partner organisations support the development of innovative industries	100%	0%	0%	0%	0%
2.2.3.1 Undertake major refurbishment works in the city centre	100%	0%	0%	0%	0%
2.3.1.1 Pursue initiatives that promote the region as a place to holiday to domestic and international markets	50%	17%	33%	0%	0%
2.3.1.2 Support projects that investigate opportunities for the provision of tourism infrastructure	100%	0%	0%	0%	0%
2.3.2.1 Market and promote events in the city centre	100%	0%	0%	0%	0%

**APPENDIX 1: Annual Deliverables Progress By 3 Year Action – Delivery Program
 2018– 2021**

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
2.3.2.2 Provide a diverse range of activities in the city centre that target and engage a broad community	100%	0%	0%	0%	0%
2.3.2.3 Improve policies and systems to support the revitalisation of the city centre	100%	0%	0%	0%	0%
2.3.3.1 Continue to grow Wollongong’s attractiveness to attract signature events and festivals	100%	0%	0%	0%	0%
2.4.1.1 Ensure Wollongong is attractive to research and development companies and organisations	100%	0%	0%	0%	0%
2.4.1.2 Implement a range of programs that incorporate learning and development	83%	0%	17%	0%	0%
2.4.2.1 Implement programs to ensure Wollongong becomes a Smart City	100%	0%	0%	0%	0%
3.1.1.1 Promote Made in Wollongong to become a well-known brand	100%	0%	0%	0%	0%
3.1.1.2 The visibility of our cultural diversity is increased	100%	0%	0%	0%	0%
3.1.1.3 Encourage the integration of urban design and public art	100%	0%	0%	0%	0%
3.1.1.4 Deliver sustainable and successful events and festivals through Council investment and delivery of the Events Strategy	100%	0%	0%	0%	0%
3.1.1.5 Encourage Sports Associations to conduct regional, state and national events in the city	100%	0%	0%	0%	0%

**APPENDIX 1: Annual Deliverables Progress By 3 Year Action – Delivery Program
2018– 2021**

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
3.1.2.1 Provide opportunities for local artists and performers to exhibit, promote and perform at Council venues and events	100%	0%	0%	0%	0%
3.2.1.1 Provide support to existing and emerging artists and performers	100%	0%	0%	0%	0%
3.2.1.2 Seek funding for the promotion of heritage sites, museums and galleries to the community and visitors	100%	0%	0%	0%	0%
3.2.2.1 Coordinate an integrated approach to infrastructure improvement and service delivery in the Arts Precinct	100%	0%	0%	0%	0%
3.2.3.1 Support the coordination of an externally funded calendar of activities delivered across the City	100%	0%	0%	0%	0%
3.3.1.1 Deliver a program of activities in local communities	100%	0%	0%	0%	0%
3.3.2.1 Deliver and support a range of projects and programs which build harmony, understanding and cultural awareness	100%	0%	0%	0%	0%
4.1.1.1 Ensure an effective community engagement framework that connects the community to Council decision making	100%	0%	0%	0%	0%
4.1.1.2 Improve community understanding and awareness of Council decisions	100%	0%	0%	0%	0%
4.1.2.1 Ensure the NBN is rolled out across the Wollongong LGA	100%	0%	0%	0%	0%
4.2.1.1 Increase opportunities for the community to connect with volunteering organisations	100%	0%	0%	0%	0%

**APPENDIX 1: Annual Deliverables Progress By 3 Year Action – Delivery Program
 2018– 2021**

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
4.2.1.2 Support community participation in community activities	100%	0%	0%	0%	0%
4.2.1.3 Build the capability of community based organisations in managing, developing and sustaining their volunteers	100%	0%	0%	0%	0%
4.2.2.1 Continue to participate and contribute to an integrated community service network	100%	0%	0%	0%	0%
4.2.3.1 Support a range of projects and programs in the city	100%	0%	0%	0%	0%
4.3.1.1 Ensure appropriate strategies and systems are in place that support good corporate governance	100%	0%	0%	0%	0%
4.3.1.2 Build a workplace culture that is safe, engaged, responsive and professional	89%	11%	0%	0%	0%
4.3.2.1 Effective and transparent financial management systems are in place	100%	0%	0%	0%	0%
4.3.2.2 Continue to pursue alternative funding options to deliver financially sustainable services and facilities	100%	0%	0%	0%	0%
4.3.2.3 Improve the efficiency of supply management in order to achieve operational efficiencies	100%	0%	0%	0%	0%
4.3.2.4 Deliver the Asset Management Strategy and Improvement Plan 2012-17	100%	0%	0%	0%	0%
4.3.3.1 Coordinate a service review program with a focus on business development and improvement	100%	0%	0%	0%	0%

**APPENDIX 1: Annual Deliverables Progress By 3 Year Action – Delivery Program
2018– 2021**

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
4.3.3.2 Working together, levels of service are established and service continuously improve and offer best value for money	100%	0%	0%	0%	0%
5.1.1.1 Partner with community based organisations in the provision of services	100%	0%	0%	0%	0%
5.1.1.2 Continue to undertake social, land use and environmental planning activities that assists in service planning	100%	0%	0%	0%	0%
5.1.2.1 Partner with agencies and health authorities to support improvements to the region's medical services	100%	0%	0%	0%	0%
5.1.3.1 Deliver a diverse suite of projects to the community that foster and enhance community strengths and participation	100%	0%	0%	0%	0%
5.1.3.2 Carry out commercial business management of Council's operational lands	100%	0%	0%	0%	0%
5.1.4.1 Provide an appropriate and sustainable range of quality passive and active open spaces and facilities	100%	0%	0%	0%	0%
5.1.4.2 Review planning controls for priority locations	89%	0%	0%	0%	11%
5.1.4.3 Policies and plans are developed, reviewed and implemented to encourage physical activity	100%	0%	0%	0%	0%
5.1.4.4 Develop and implement public health, amenity and safety regulatory programs and reviews that assist in improving compliance with legislative requirements	100%	0%	0%	0%	0%
5.1.5.1 Increase opportunities to enhance library multimedia and online services	100%	0%	0%	0%	0%

**APPENDIX 1: Annual Deliverables Progress By 3 Year Action – Delivery Program
2018– 2021**

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
5.1.5.2 Renew community facilities and consider rationalisation, replacement or refurbishment to achieve facilities that are strategically located, good quality and meet identified community need	100%	0%	0%	0%	0%
5.1.6.1 Facilitate a range of programs and activities which improve food security and support local food systems	100%	0%	0%	0%	0%
5.2.1.1 Investigate provision of Leisure Services in the greater Dapto area, taking into account expansion of West Dapto, and determine Council's role in the market	100%	0%	0%	0%	0%
5.2.1.2 Investigate the future provision of Aquatic Services across the local government area and implement improvements	100%	0%	0%	0%	0%
5.2.1.3 Use data to assess the current community infrastructure available, community demand and develop a strategic framework and policies to either rationalise, enhance or expand to meet community needs	78%	11%	11%	0%	0%
5.2.1.4 Develop a Regional Botanic Garden of Excellence	100%	0%	0%	0%	0%
5.2.1.5 Provide statutory services to appropriately manage and maintain our public spaces	50%	25%	0%	0%	25%
5.2.1.6 Implement Council's Planning, People, Places Strategy	50%	0%	0%	50%	0%
5.2.2.1 Deliver a range of programs and recreational pursuits for older people	100%	0%	0%	0%	0%

**APPENDIX 1: Annual Deliverables Progress By 3 Year Action – Delivery Program
2018– 2021**

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
5.3.1.1 Prepare a Housing Study and Strategy incorporating Affordable Housing Issues	100%	0%	0%	0%	0%
5.3.2.1 In partnership with relevant agencies and networks lobby and advocate for improved service levels and quality enhanced access to services	100%	0%	0%	0%	0%
5.4.1.1 Provide lifeguarding services at beaches (in partnership with Surf Life Saving Illawarra) and Council pools	100%	0%	0%	0%	0%
5.4.1.2 Facilitate a range of partnerships and networks to develop community safety initiatives	100%	0%	0%	0%	0%
5.4.2.1 Delivery projects and programs to reduce crime in the Wollongong Local Government Area	100%	0%	0%	0%	0%
5.5.1.1 Well maintained assets are provided that meet the needs of the current and future communities	100%	0%	0%	0%	0%
5.5.1.2 Manage and maintain community infrastructure portfolio with a focus on asset renewal	100%	0%	0%	0%	0%
5.5.1.3 Coordinate an access improvement program through pre-planning and renewal activities	100%	0%	0%	0%	0%
6.1.1.1 Support the delivery of the Gong Shuttle Bus as an affordable transport option	100%	0%	0%	0%	0%
6.1.2.1 Implement a variety of projects and programs to encourage sustainable transport throughout the LGA	83%	0%	17%	0%	0%
6.1.3.1 Plan and implement an integrated and sustainable transport network	100%	0%	0%	0%	0%

**APPENDIX 1: Annual Deliverables Progress By 3 Year Action – Delivery Program
 2018– 2021**

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
6.1.4.1 Facilitate the integration of public amenities and transport with local communities	100%	0%	0%	0%	0%
6.2.1.1 Work with partners to reduce travel time between Sydney and Western Sydney with Wollongong	100%	0%	0%	0%	0%
6.3.1.1 Plan and implement projects to improve connectivity	80%	0%	0%	0%	20%
6.3.2.1 Deliver sustainable transport asset renewal programs and projects	100%	0%	0%	0%	0%
6.3.3.1 Investigate the option for disruptive transport technologies and the impact on the future transport network	0%	100%	0%	0%	0%
6.3.4.1 Work with key agencies and partners to continue and improve late night transport options	100%	0%	0%	0%	0%
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	100%	0%	0%	0%	0%
Total Annual Deliverable Progress	93%	4%	2%	1%	1%

ITEM 8 CONNECTING NEIGHBOURS GRANTS (PILOT) ROUND 2

In 2018, Council piloted a new funding program to provide grants to community members and groups who want to make a positive impact on their local area. The program aimed to strengthen and celebrate neighbourhoods at the grass roots level, creating connections and encouraging collective action to build strong communities.

At the meeting held on 29 January 2019, Council resolved to continue the Pilot Program of the Connecting Neighbours Grants with a second round of funding using the existing 2018-2019 financial year budget of \$10,000. The second round was open for applications from 4 February until 29 March 2019. Sixteen (16) Category 1 applications and twenty-four (24) Category 2 applications were received from suburbs across the City. The applications have been considered by a review panel and the General Manager (Acting). This report provides a list of recommended successful recipients for the 2018-19 financial year.

RECOMMENDATION

Council note the successful recipients for Connecting Neighbours Grants – Round 2.

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 Connecting Neighbours Grants 2019 (Pilot) Round 2 - Review Panel Recommendations

BACKGROUND

This program provides grants to community members and groups who want to make a positive impact on their local area and have a good idea on how to do it. The program is about strengthening and celebrating neighbourhoods at the grass roots level, creating connections and encouraging collective action to build strong communities. The first round of the pilot launched in February 2018 with projects delivered from June 2018 until the end of December 2018.

Building on the success of the first round, the Pilot was continued for a second round in 2019 with a further \$10,000 allocated in the 2018-2019 financial year to provide grants to small groups of community members and smaller community groups across all suburbs of Wollongong.

The grants have two categories:

- Category 1 Up to \$250 for an individual who, along with at least two other community members, share an idea and want to make it happen;
- Category 2 Up to \$1,000 for projects where community members have partnered with an incorporated organisation to auspice the funds and support the project.

The second round of the grant program opened on 4 February and closed on 29 March 2019. The original closing date was extended from 18 March until 29 March 2019. Sixteen (16) Category 1 applications and twenty-four (24) Category 2 applications were received from suburbs across the City.

The applications were assessed against the criteria on 30 April 2019 by a panel consisting of: Manager Community, Cultural and Economic Development; Community and Cultural Development Manager; Coordinator Community Partnerships and Safety; and an independent community representative. The General Manager (Acting) approved the panel's recommendations on 3 May 2019.

A total of 20 applications, including eleven (11) Category 1 and nine (9) Category 2 applications, are recommended for funding for a total of \$9,630.

PROPOSAL

Council notes this report of the Connecting Neighbours Grants (Pilot) successful recipients listed below.

Supported Applications

Category	Project Title	Location	
Up to \$250	Devon Road Community Garden	Dapto	
	Happier Communities	Wollongong	
	Connecting Generations through Play	Unanderra	
	Permabiltz at Mailer Avenue	Wollongong	
	Enliven Graduate House	Wollongong	
	Street Library on Elliotts	Fairy Meadow	
	Wollongong Lingos Language Exchange	Wollongong	
	Wollongong ME/CFS/FM Support Group Reaching Out Morning Tea	Wollongong	
	Poulter Street - People and Paws Meet and Greet	West Wollongong	
	Getting to Know and Bring Neighbours Together	Austinmer	
	Karenni Gardeners and Working Bee Group	Wollongong	
	Up to \$1,000	Connecting Neighbours Championship	Wollongong
		Connecting on Country	Wollongong
Family Fun Day		Horsley	
Farmborough Grows Together		Farmborough Heights	
Old and New Together in the Gong		Lake Heights	
The Neighbourhood Game of Throws		Berkeley, Bundaleer and Unanderra	
Connecting through Gardening		Berkeley	
Haywards Bay Connecting Neighbours Afternoon Tea		Haywards Bay	
	Soup, Salad, Sourdough	Warrawong	

CONSULTATION AND COMMUNICATION

The Connecting Neighbours Grants (Pilot) was promoted as follows:

- Council's website;
- Advertisements in Council pages of The Advertiser in March 2019;
- Social media activity;
- Extensive distribution through existing formal and informal networks.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 ‘Goal 3 – *Wollongong is a creative, vibrant city*’, ‘Goal 4 - *We are a connected and engaged community*’ and ‘Goal 5 - *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
4.2.1. Support residents, businesses and visitors to be actively involved in diverse community activities helping to connect neighbourhoods.	4.2.1. Pilot and evaluate a Connecting Neighbours Grants program.	

RISK ASSESSMENT

Whilst the program was not yet identified within the Financial Assistance Policy, it is being delivered within the policy framework to ensure a consistency of approach. The Connecting Neighbours Grants Program has now been integrated into the Financial Assistance Procedures Management Policy in accordance with the Council resolution of 29 January 2019.

The provision of coaching and support by Council staff was an additional avenue to manage risk.

The approval process for applications has taken into account a risk assessment. The funding categories have been designed to increase the level of accountability and management in line with increased amounts and associated risk.

FINANCIAL IMPLICATIONS

The Connecting Neighbours Grants (Pilot) Round 2 program has been delivered in accordance with the 2018-19 budget allocation of \$10,000.

CONCLUSION

The Connecting Neighbours Grants (Pilot) Round 2 has provided a further opportunity for Council to expand the existing programs offered through the Financial Assistance Policy and create greater flexibility in how support is provided for small locally-based activities. This grants program is a further demonstration of Council’s commitment to working with community members to build on local neighbourhood strengths and add an additional element to our place making initiatives.

CONNECTING NEIGHBOURS GRANTS 2019 – REVIEW PANEL RECOMMENDATIONS

Grants Recommended for Approval up to \$250							
Appl No	Project Name	Applicant	Auspice	Project Overview from Applicant	\$ Requested	\$ Recommended	Notes
S2	Devon Road Community Gardens	Julie Hallan	Not applicable	Expand the existing community garden in front yards of 1 & 3 Devon Road, Dapto. There are currently two raised garden beds and they would like to increase this to 4 to allow extra room for more neighbours to plant produce.	\$250	\$250	
S3	Happier Communities	Michael Jacques	Not applicable	I go to a place a few times a week called The New Outlook (Flourish Australia) and wished more people would come along and enjoy the same friendships I have made over the last 6 years to have a BBQ lunch or dinner using the centre. We would also be having the New Outlook Band playing, balloon sculpting (I am a Clown Dr at the hospital), and some gift bags for the visitors.	\$250	\$250	
S4	Connecting Generations Through Play	Figtree/Unanderra Playgroup	Not applicable	I want to connect our playgroup families with members of the local seniors group. The idea arose from my grandmother's enjoyment of my children and the problem of distance in experiencing their company because we live interstate. The project will involve running two 'senior playgroup sessions', one each during school Terms 3 and 4, where we have morning tea, do craft activities, play games, make music and story-tell together.	\$180	\$180	

Grants Recommended for Approval up to \$250							
Appl No	Project Name	Applicant	Auspice	Project Overview from Applicant	\$ Requested	\$ Recommended	Notes
S5	Permablitz at Mailer Avenue	Permablitz the Gong	Not applicable	We are holding a permablitz (permaculture backyard blitz) on 27 April. It will involve a group of volunteers rejuvenating our backyard and the public laneway adjacent to our property, using permaculture principles. We wanted to plant out a native verge garden along the path in the public laneway next to our house, which is currently just grass and weeds. We were planning on mulching the whole lot, then planting a variety of local native plants (ground cover, shrubs and small trees), sourced from Greenplan Nursery at Wollongong Botanic Gardens.	\$250	\$250	Proposed date moved to June. Subject to approval to plant on public laneway.
S6	Enliven Graduate House	Xiao Xiong	Not applicable	I have proposed regular meetings of Graduate House residents, but there was no funding. The meetings will be held on Saturdays fortnightly and may feature chat, singing, dancing, sports, and playing games for kids.	\$250	\$250	
S7	Street Library on Elliotts	Jennifer Jurman-Hilton	Not applicable	Members of the "Street Library on Elliotts" group will be responsible for coordinating a door knock and letter box drop to residents of Elliotts Road and adjoining streets to inform them of the Street Library, inviting all residents to regularly donate books to the street library. Residents will be involved in painting and installation process of the Library and be invited to an official Street Library Opening Ceremony.	\$250	\$250	

Grants Recommended for Approval up to \$250							
Appl No	Project Name	Applicant	Auspice	Project Overview from Applicant	\$ Requested	\$ Recommended	Notes
S8	Wollongong Lingos Language Exchange	GenSpeak	Not applicable	Lingos is a language exchange event with people from around the world coming together to share language, culture, and stories. We want to grow this idea so that the connection is not just between University students but also between young and old, and other community members.	\$250	\$250	
S10	Wollongong ME/CFS/FM Support Group	Winsome Stephenson	Not applicable	Wollongong ME/CFS/FM Support Group began 30 years ago and is run by and for local people living with the above disabilities. A Connecting Neighbours Grant will assist in holding a social and inclusive morning tea on 8 August 2019.	\$250	\$250	
S12	Poulter Street People and Paws Meet and Greet	Alison Meeth	Not applicable	We would like to host a BBQ to allow residents the opportunity to meet each other in a casual, welcoming, communal yet neutral environment. It will be the first event of its kind for this neighbourhood, and will be a simple event providing food, seating, music, some arts & crafts and games for the children and healthy treats for the neighbour's four legged friends.	\$250	\$250	
S15	Getting to Know and Bringing the Neighbours Together	Shoshana Dreyfus	Not applicable	The 22 homes in and around Buttenshaw Place, Austinmer, (a cul-de-sac in the bush) house people of all ages from 90-year-olds down to babies. We would like to be funded to hold a winter solstice party on the grass island in the centre of the cul-de-sac. This will not only bring people together but will make use of the public space that we all live around.	\$250	\$250	

Grants Recommended for Approval up to \$250							
Appl No	Project Name	Applicant	Auspice	Project Overview from Applicant	\$ Requested	\$ Recommended	Notes
S16	Karenni Gardeners and Working Bee Group	Wollongong Karenni Community	Not applicable	I would like to organise a working bee group or a group of Karenni gardeners who are interested in gardening in the Greenhouse Park Community Garden.	\$250	\$250	
SUBTOTAL						\$2,680	

Grants Recommended for Approval up to \$1,000							
Appl No	Project Name	Applicant	Auspice	Project Overview from Applicant	\$ Requested	\$ Recommended	Notes
2	Connecting Neighbours Championship	Connect A	Connect A	To host a one day sports tournament during July school holidays aimed at bringing marginalised groups, particularly young people from refugee backgrounds, together with other community members in the hopes of building self-esteem and contributing to a sense of community and belonging within the Wollongong area. Focus on greater participation of girls.	\$1,000	\$1,000	
3	Connecting On Country	Aunty Dawn Bell & Uncle Jimmy Carlson	Illawarra Aboriginal Corporation	Connecting Aboriginal Neighbours within the Wollongong area through engaging Elders in Aboriginal Art to enhance culture and enrich connections to Country and each other. The project is going to gather Elders who are interested in reconnecting through art and stories. This will allow Elders to be valued, not only by each other, but also younger generations as the stories and the artworks are shared with others.	\$1,000	\$500	
6	Family Fun Day	Illawarra Kerala Samajam	Illawarra Kerala Samajam	This is an event to welcome the new families in the Malayalee community in Wollongong area and also to arrange a get-together of the Malayalee community in the Wollongong region to brush up their friendship. Families in the region will come and participate in various fun games and a barbecue and there will be plenty of games for the kids to enjoy. This will be a great opportunity for the community to meet and greet each other.	\$900	\$900	

Grants Recommended for Approval up to \$1,000							
Appl No	Project Name	Applicant	Auspice	Project Overview from Applicant	\$ Requested	\$ Recommended	Notes
7	Farmborough Grows Together	Farmborough Heights Community Tennis Club Inc	Farmborough Heights Community Tennis Club Inc	There are many individuals wanting to foster, culture and accelerate the impact of our existing sense of spirit evidenced by our Street Library, food sharing shelf and collaborative Farmborough Heights Community Page. We aim to create a "Farmborough Grows Together" event by hosting a BBQ in the park space adjoining our local tennis club. On this day we aim to bring our diverse community together (including the socially isolated or new neighbours that may want to integrate more quickly into their new community). This will be an opportunity for neighbours to connect, meet and if they choose to, join a working party to plan and create scalable, visible, positive impacts to our local environment.	\$1,000	\$1,000	
11	Old and New Together in the Gong	Maha Elhage & Khadija Lawal	Sisters' Cancer Support Group Inc	By connecting the newly arrived refugees with the elder women in the community as well as all other Muslim women, they can form friendships, contacts, advocacy as well as networks with each other. We would be taking the women out to Rhododendron Gardens in Mt Pleasant for lunch and a day out to meet and greet and give them some social interaction activities. The project will enable women from all walks of life, language, culture and faith to meet, share a meal, and enjoy each other's company in a relaxing, friendly and safe environment. The project is a fun-filled and educational BBQ for women (young & old/old & new) from the multicultural Muslim communities, mainstream community and the newly arrived refugees settled in the Illawarra.	\$1,000	\$1,000	

Grants Recommended for Approval up to \$1,000							
Appl No	Project Name	Applicant	Auspice	Project Overview from Applicant	\$ Requested	\$ Recommended	Notes
12	The Neighbourhood Game of Throws	Young People from Berkeley, Bundaleer and Unanderra	Berkeley Neighbourhood Centre Inc	Neighbouring young people from Unanderra, Berkeley and Bundaleer will connect by playing inclusive games of OZTag in Berkeley in a one-day event. The funds will support young people by helping them get to the event, providing footballs, funding a sausage sizzle and enabling organisers to provide prizes on the day.	\$800	\$800	
13	Soup, Salad, Sourdough	Green Connect Fair Food Team	Community Resources t/as Green Connect Illawarra	Soup, Salad, Sourdough will be a pop-up dining experience, bringing together members of our local community over a hearty winter, no waste meal. It will highlight seasonal produce, simple and healthy cooking, and demonstrate a 'no waste' approach (any surplus food can be returned to the Green Connect farm for composting). To connect neighbours, we will invite residents of three suburbs surrounding the farm to attend.	\$1,000	\$500	
16	Connecting Through Gardening	Essences of Life	Essences of Life	The idea of doing a gardening activity at Masjid Al-Salaam came about from discussions of how to connect the isolated Muslim refugees who are settled in the Illawarra and the elderly Muslim men in the community. They will spend the day planting, weeding, digging and talking. The project is a fun social day for men in the Muslim communities, refugee communities of the Illawarra and men from the mainstream community to garden together, eat and chat.	\$1,150	\$1,000	

Grants Recommended for Approval up to \$1,000							
Appl No	Project Name	Applicant	Auspice	Project Overview from Applicant	\$ Requested	\$ Recommended	Notes
23	Haywards Bay Moonlight Cinema	Dianne Wikstrom and Lorraine Martin	Being sourced	Over the years we have come together on an annual basis to discuss issues and concerns shared amongst residents. We would like to come together and again discuss our concerns but would like to make the occasion a little more festive to encourage our community to help neighbours get to know each other and discuss our community working groups. Option 1- \$1,000: Haywards Bay Moonlight Cinema. Option 2 - \$250: Haywards Bay Connecting Neighbours Afternoon Tea. Our second option would be an afternoon tea at the park followed by an art competition just for a bit of fun.	\$1,000	\$250	Option 2 – Connecting Neighbours Afternoon Tea. Auspice now not required.
SUBTOTAL						\$6,950	
TOTAL RECOMMENDED						\$9,630	

Grants Not Recommended up to \$250							
Appl No	Project Name	Applicant	Auspice	Project Overview from Applicant	\$ Requested	\$ Recommended	Notes
S1	Connecting with Compassion	Louise Murphy	Not applicable	Compassionate Communities concept is an International Campaign aiming to connect communities by inviting communities to become compassionate. Proposed half-day event (9am-1pm) at Fairy Meadow Surf Club aims to connect the Wollongong Northern Beaches Community by creating a space where community members can connect and learn more about compassion and have conversations about how compassion might support and positively influence self and others in their community.	\$250	NIL	
S9	"Build Our School" Community Fun Day for Dapto	Residents For Dapto's Build Our School Committee	Not applicable	The community action group Residents For Dapto are now campaigning to build a school in the West Dapto area to meet the demands of the growing population. By organising a Community Fun Day for Dapto, the Committee hopes to connect new and existing families and individuals in a fun and innovative way, whilst discussing education in West Dapto and collecting signatures for the Build Our School campaign.	\$250	NIL	
S11	Movers and Shakers	Sharon Settecasse	Not applicable	Movers and Shakers is the brainchild of three mums noticing their children are beginning to be aware of their personal space and boundaries. It is a dance class we would like to hold once per week.	\$250	NIL	

Grants Not Recommended up to \$250							
Appl No	Project Name	Applicant	Auspice	Project Overview from Applicant	\$ Requested	\$ Recommended	Notes
S13	Mama Birthed - Connecting Mothers Through Story	Sharon Settecasse	Not applicable	Mama Birthed is a project idea that has come from the need I noticed where women who have just birthed have a desire to hear each other's stories in a safe and private space.	\$250	NIL	
S14	Perfect Park	Ann Brown	Not applicable	There is a small Pocket Park on the corner of Strone and Macarthur Avenues in Mount Ousley which has become quite neglected by Council, with only the grass being cut and a couple of dead trees removed (but not replaced). We would use the Grant to start off a project to turn the park into a beautiful and productive place.	\$250	NIL	

Grants Not Recommended up to \$1,000							
Appl No	Project Name	Applicant	Auspice	Project Overview from Applicant	\$ Requested	\$ Recommended	Notes
1	Community Connections	Berkeley Neighbours Inspired	Berkeley Neighbourhood Centre Inc	Berkeley Women Inspired would like to apply for the Connecting Neighbours Grants 2019 to run a monthly BBQ with the local residents.	\$1,000	NIL	
4	Winter Feast, Community Tree Planting Celebration	Our Community Project and Port Kembla Primary School	Our Community Project	This event will involve a lantern parade from Our Community Project to Port Kembla Primary School (including performers, stilt walkers, fire twirlers and musicians), a smoking of the land, storytelling (a winter story), a ceremony including planting of the seeds for the first lot of trees to be grown at the school. This will be followed by a feast and community choir.	\$1,000	NIL	
5	Youth Homelessness Outreach BBQ	Lighthouse	Lighthouse Community Care	As part of the youth homelessness outreach program, Lighthouse hosts monthly outreach barbeques where all current and past residents are invited to attend. The night is full of food, music, laughs and activities such as pool, basketball and cricket. We would love to continue this tradition and create an ongoing safe space for young homeless people within our community.	\$1,000	NIL	
8	Todd Street Community Vegetable Gardens	Todd Street Gardeners	Warrawong Residents Forum	A Connecting Neighbours Grant will enable us to reinvigorate this project by increasing the number of participating community members which should also result in more interaction between neighbours. The grant will be used to purchase building materials to construct raised garden beds instead of just having ground level garden beds and random plantings.	\$944	NIL	

Grants Not Recommended up to \$1,000							
Appl No	Project Name	Applicant	Auspice	Project Overview from Applicant	\$ Requested	\$ Recommended	Notes
9	Meet&Eat	CareSouth Meet&Eat	CareSouth	Once a month CareSouth opens up our Berkeley Community Hub for Meet&Eat and invite the community to come along, enjoy a meal and spend time talking with others from their neighbourhood.	\$1,000	NIL	
10	Celebration by the Sea	Bellambi Safety Group	Bellambi Neighbourhood Centre	A small group of neighbours have been meeting for the last three years to work on keeping the Bellambi community free from garbage, graffiti and working towards identifying safety issues for example broken footpaths, road holes, trees with dangerous limbs. Our plan is to have a BBQ feast near the Mews and invite people from Whitby Mews and Staithes Mews along. This will give everyone a chance to celebrate the beautification of the area plus an opportunity to connect with positive conversation between neighbours.	\$1,000	NIL	
14	The Bokashi Collective	Sarah Thompson, Ben Anderson	Healthy Cities Illawarra	Our proposal would see 10 of the households receive an 18 litre Bokashi bucket; a morning tea information session about how to use the system and why Bokashi is such a fantastic composting system to use in a contained space.	\$704	NIL	

Grants Not Recommended up to \$1,000							
Appl No	Project Name	Applicant	Auspice	Project Overview from Applicant	\$ Requested	\$ Recommended	Notes
15	Sleepout for the Homeless	Hope 2508 Inc	Hope 2508 Inc	We operate a community kitchen in Port Kembla. The kitchen feeds between 60-75 people every Friday night. We would like to run a sleepout in the community so that people can support the kitchen and also 'experience' what it is like to sleep in the elements without the comforts that we are accustomed to.	\$1,000	NIL	
17	Station Mum's Social	Station Mum's Social	Lighthouse Church Incorporated	Proposed neighbourhood project is an updated and more contemporary version of playgroup/mother's group. I would love to create a pop-up play space that is safe and fun for the kids while also cultivating an environment that allows mothers to chat freely with one another while having a coffee.	\$1,000	NIL	
18	Crafty and Connected - Celebrating 40 Years	Bellambi Craft Collective	Bellambi Neighbourhood Centre	Celebrate the success of a small community group who initiated a community space in Bellambi, 40 years ago, by holding a festival in September to share this celebration with the community. A group of volunteers will work together creatively to design, decorate and promote the community festival.	\$1,000	NIL	
19	Horsley Playgroup Toy Upgrade	Horsley Playgroup	Careways Community	Horsley Playgroup is currently trying to recruit new members from the neighbourhood with children aged 0-5 years and came up with the idea to apply for a grant for new toys/learning equipment.	\$1,000	NIL	

Grants Not Recommended up to \$1,000							
Appl No	Project Name	Applicant	Auspice	Project Overview from Applicant	\$ Requested	\$ Recommended	Notes
20	Connecting Bundy	Bundy Neighbours	Barnardos Australia	Community BBQs bring our neighbourhood together. We want to organise three community BBQs, invite all the neighbours to come and meet, share and connect. We also thought we could use these BBQs to get some people to talk about the real issues people at Bundaleer face, such as tenancy.	\$1,000	NIL	
21	Helensburgh Mountain Bike Park	Helensburgh Off Road Cycling Club	Not provided	Application of this Grant is for some landscaping material contribution to this project. The Helensburgh Off Road Cycle Club (HORCC) is looking to expand our current club activities.	\$1,000	NIL	
22	Community Breakfast	Figtree Primary P&C	Figtree Primary P&C	The Figtree P&C would like to host a free community breakfast to engage all families and encourage more people to play an active part in the running of our school.	\$1,000	NIL	
24	Russell Vale Community Coffee Club	Russell Vale Public School P&C Association and Russell Vale Public School	Russell Vale P&C Association	Russell Vale Community Coffee Club is an idea to bring the community together. This group would try to build a space within the grounds of Russell Vale Public School adjacent to the Canteen to bring different members of the community together.	\$1,000	NIL	

ITEM 9 DRAFT ECONOMIC DEVELOPMENT STRATEGY 2019-2029

A review of the Economic Development Strategy 2013-23 commenced in October 2018. This review has resulted in the Draft Economic Development Strategy 2019-2029, which is now ready to go on public exhibition.

RECOMMENDATION

Council approve the Draft Economic Development Strategy 2019-2029 to be placed on public exhibition from 29 May 2019 to 26 June 2019 (28 days).

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 Draft Economic Development Strategy 2019 - 2029

BACKGROUND

The Economic Development Strategy 2013-23 was identified for review in the current financial year. This Strategy has delivered a range of outcomes for the city including:

- Historically Wollongong has had an unemployment rate well above the NSW average. However, in September 2018 this had fallen to just 4.6%, below the NSW average of 4.8%;
- Over \$1.4 billion in investment has been attracted to city centre projects in the last six years;
- The economy has continued to diversify;
- Advantage Wollongong has attracted significant new businesses to the region;
- Over 80 small cafes and bars have opened in Wollongong;
- Streamlining of the major events process has resulted in attracting significant events such as the World Cycling Championships;

To continue this success, the draft Economic Development Strategy 2019-2029 has three goals.

- 1 Jobs target – generate 10,500 new jobs in the next decade to reduce the jobs deficit. This will be more than double the 4,998 net new jobs created in the decade to 2018;
- 2 Lifting median incomes – focus on generating new jobs in industries that are higher-paying, have a greater share of full-time jobs and are expected to grow in the future;
- 3 Targeted sectors align with talent pool – align the target industries with Wollongong’s existing talent pool, in particular commuters and graduates of the University of Wollongong, to create more local job opportunities for residents.

These goals will be achieved via Council working with other stakeholders to deliver key ‘game-changing’ projects and by the implementation of an Action Plan.

Game-Changers

These are major projects that could make a substantial difference to the economic environment of Wollongong and which Council will need to collaborate with multiple regional stakeholders in order to deliver, such as:

- 1 Critical transport projects;
- 2 Western Sydney Aerotropolis;

- 3 Increase office capacity in city centre;
- 4 Develop under-utilised/under-developed lands;
- 5 Attract more major events and tourism infrastructure;
- 6 Completion of Australian Industry Gas Terminal project;
- 7 Establish City Centre University Campus;
- 8 Delivery of Port Kembla as a container port;
- 9 Further evolve as a Smart City;
- 10 Improve effectiveness of advocacy.

Action Plan Areas Identified

These are the policy levers that Council can adjust within its own operations, divided into seven broad areas:

- 1 Civic Leadership;
- 2 Business Attraction;
- 3 Knowledge Hub;
- 4 Infrastructure;
- 5 Planning;
- 6 Business Support;
- 7 Operational Procurement.

PROPOSAL

This report seeks approval for the Draft Economic Development Strategy 2019-2029 to go on public exhibition from 29 May 2019 to 6 June 2019 (28 days).

CONSULTATION AND COMMUNICATION

Extensive consultation with business and government stakeholders has been undertaken to develop this Strategy. This includes establishing a reference group of key external agency representatives, meeting with key peak bodies and organisations, conducting a business survey, hosting an investor roundtable, internal staff workshops and meetings and three Councillor Briefings. The continual feedback from all these consultations has been incorporated as the Strategy has been developed.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal 2 – We have an innovative and sustainable economy.

It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
2.1.3 Cross-sector initiatives are coordinated and implemented to increase and attract business investment, supporting small businesses and encouraging jobs growth.	2.1.3.1 Support regional activities and partnerships that promote business investment and jobs growth.	2.1.3.1.1 Review the Economic Development Strategy 2013-23.

RISK ASSESSMENT

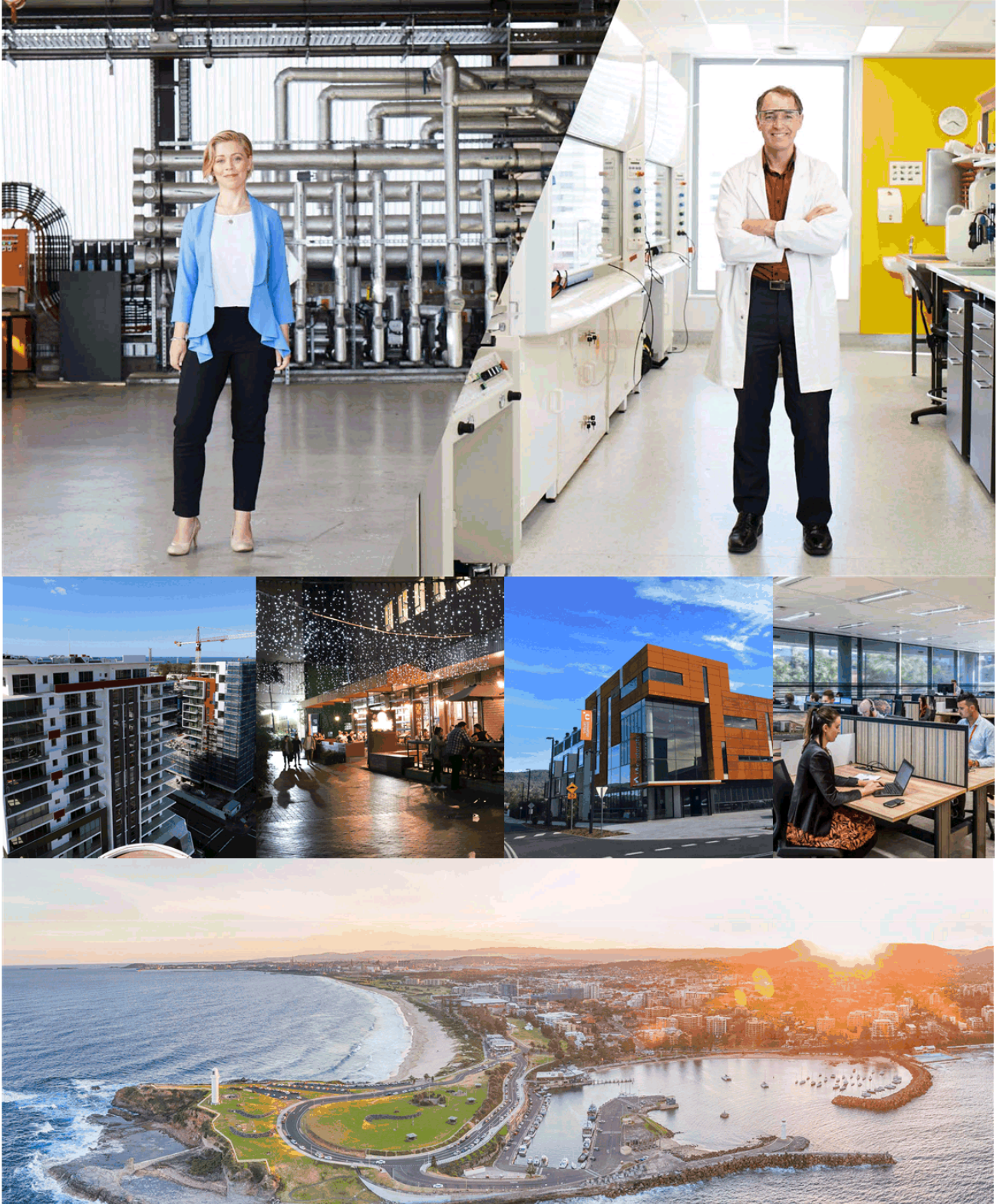
An economic development strategy demonstrates Council's commitment to working with local businesses and the local community to support them in creating more local jobs.

FINANCIAL IMPLICATIONS

Unfunded actions will be considered as part of Council's annual budget planning process. Actions that are funded by current budget allocations will be included in Council's Annual Plan and Delivery Program. Council may seek external funding to deliver actions in the Strategy.

CONCLUSION

The purpose of economic development strategies is to alter the trajectory of employment growth and improve the jobs outcomes above a 'business as usual' trend. Evidence shows that a committed community of private and public sector participants can have an impact.



**Economic
Development Strategy**
DRAFT
2019 - 2029

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Message from the Lord Mayor

I'm pleased to present this Economic Development Strategy 2019 – 2029.

This Strategy builds on the successes and learnings of the 2013 – 2023 Economic Development Strategy. Since 2013, Wollongong has successfully reinvented itself into a service based economy.

Looking ahead this updated Strategy proposes a number of actions to support an innovative and sustainable economy in the city.

The strategy is based on our learnings from the previous Strategy, research into best-practice approaches from other local governments, extensive consultation with



“The strategy proposes a jobs target of 10,500 new jobs over the next ten years.”

key stakeholders and modelling of the projected future growth trajectory of local jobs.

The key theme running through the document is a renewed focus on increasing the number of high-quality jobs in Wollongong. This objective to increase the opportunity for local people to work closer to home will have positive flow on effects such as reducing the individual cost of commuting and helping build a more connected and engaged community.

The Strategy proposes a jobs target of 10,500 new jobs over the next 10 years. This is almost double the amount achieved over the past decade. This may seem ambitious but we believe the actions outlined in the document will provide us with the necessary framework to achieve this positive outcome for Wollongong. The strategy is particularly targeting knowledge-based jobs, to capitalise on the highly skilled talent pool Wollongong has in these areas.

There are a range of ways Council can directly support the growth of our local economy. These policy levers include our local planning policies, local infrastructure, business support and attraction, how we procure goods, sharing of information and our civic leadership and advocacy role.

However, this strategy cannot be achieved by Council working in isolation. In order to achieve our goal we will need the support of both the business community and other levels of government. We will all need to work together to continue to grow Wollongong's local economy and increase employment opportunities for the people of Wollongong and the broader Illawarra region.

Collaboration is vital for our success and this Economic Development Strategy 2019-2029 provides a strong framework for us to work with our key partners.



Executive Summary

The future of Wollongong's economy is not set in stone. The purpose of economic development strategies is to alter the trajectory of employment growth and improve the jobs outcomes above a 'business as usual' trend. Evidence shows that a committed community of private and public sector participants can have an impact.

This Economic Development Strategy ('the Strategy') focusses on the key challenge of creating more jobs in Wollongong. This will both support a more sustainable local economy and build stronger community connections. The central objective of the Strategy is to create an additional 10,500 new jobs in the decade to 2028.

As the regional capital of the Illawarra, Wollongong plays an important role in providing employment opportunities for both residents of Wollongong and the surrounding region. Wollongong provides jobs for 43% of employees from Shellharbour and 23% from Kiama. This role as the regional capital reinforces the need for Wollongong to increase its job generation capability, for the benefit of both residents of the Wollongong Local Government Area (LGA) and residents of the broader Illawarra region. In addition, more than half (60%) of the total value of economic activity (as measured by Gross Regional Product) in the Illawarra occurs within the Wollongong LGA.

In the last decade Wollongong has transformed into a service-based economy, largely focussed on delivering household services. This shift towards services is an Australia-wide trend, but the adjustment has been more dramatic in Wollongong than other locations, as a result of an estimated 6,000 local job losses in the manufacturing sector between 2007 and 2018. This inevitably constrained Wollongong's overall jobs growth, which averaged only 0.5% per annum over the last decade. This was below both regional NSW (0.9%) and Greater Sydney (2.1%).

In the last three years Wollongong has made considerable progress in lowering its unemployment rate. In the three years to 2017-2018, jobs growth averaged 2.1% per year. Subsequently the unemployment rate has fallen to 4.6% (as at September 2018). This result is below the NSW average of 4.8% which is only the second time in the last decade that the Wollongong rate has been below the NSW rate.

But these headline figures and positive trends do not tell the full story about the Wollongong labour market.

Research undertaken by .id indicates the local economy is not generating enough jobs to give all employed residents the opportunity to work locally. This is called a jobs deficit. Without intervention, this deficit is set to continue to grow with more residents needing to leave the LGA for work.

Research also identified that the industry composition of jobs in Wollongong has shifted, which has been a drag on median income growth. Industries that have seen the largest jobs gains are largely lower paying and have more part-time employees. Meanwhile, the industries that have seen the biggest job losses are largely higher paying and have more full-time employees.

The jobs deficit has added to the commuter pool over time, with 33% of residents leaving the LGA for work in 2016. Many of these employees are highly skilled and are often higher paid than local employees. For example, in 2016, 36% of the residents who left the LGA for work were earning \$1,500 or more per week, compared to only 24% of those who worked locally. The other talent pool of the city is the students of the University of Wollongong (UOW), more than half of whom leave the area when they graduate due to a lack of local employment opportunities. Based on these identified trends and challenges, this Strategy sets three strategic objectives.

These objectives are:

1. Jobs target – generate 10,500 new jobs in the next decade to reduce the jobs deficit. This will be more than double the 4,998 net new jobs created in the decade to 2018.
2. Lifting median incomes – focus on generating new jobs in industries that are higher-paying, have a greater share of full-time jobs and are expected to grow in the future.
3. Targeted sectors align with talent pool – align the target industries with Wollongong’s existing talent pool, in particular commuters and graduates of the UOW, to create more local job opportunities for residents.

Based on this analysis the following sectors have been identified as **target sectors** for future growth as part of the jobs target process. There is a particular focus on the knowledge economy.

- ICT/Tech
- Financial and Insurance Services
- Professional, Scientific and Technical Services
- Public Administration and Safety
- Electricity, Gas, Water and Waste Services

These sectors are broadly aligned with those identified by Wollongong’s existing business attraction agency, Advantage Wollongong. Advantage Wollongong is a partnership between Council, the NSW Department of Premier and Cabinet and the UOW. Since 2009 the partnership has focussed on promoting Wollongong to attract new business, investment and jobs.

Additional sectors targeted by Advantage Wollongong include:

- Advance Manufacturing
- Defence
- Health and Wellbeing
- Scale-ups

Going forward, there are multiple mechanisms that will be employed to achieve the strategic objectives.

Firstly, the Strategy identifies a number of game-changing projects that, if delivered, would have a positive impact on the local economy and employment. Council will support and advocate for these, working with key partners and stakeholders, along with both State and Federal Governments, to bring these major projects to reality.

The **game-changing** projects include:

- Critical transport projects to reduce the travel time between Wollongong and Sydney
- Capitalising on the growth of Western Sydney and the development of the Aerotropolis
- Increases to the office capacity in the Wollongong City Centre
- Development of unused and underutilised employment lands
- Attraction of more major events and tourism infrastructure
- Completion of the Australian Industrial Gas Energy Terminal Project
- Establishment of a city centre university campus
- Delivery of the Port Kembla container terminal project
- Further evolving as a smart city
- Improving the effectiveness of our advocacy

Secondly, Council has a number of **policy levers** that it can directly change to increase the city’s employment generating capacity.

- Civic leadership
- Business attraction activities
- Acting as a knowledge hub for businesses
- Council-funded infrastructure projects
- Local planning policies
- Business support activities
- Council’s procurement policy

In summary, the Strategy requires an interventionist approach to economic development, seeking to change the job growth trajectory by undertaking and promoting a series of policy changes and actions to improve the job generating capacity of the local economy.

Delivering more local job opportunities in higher paying jobs is critical to support Council’s main economic goal of having an innovative and sustainable economy.



Part 1 Strategic Context

Economic Development Strategy 2013/2023

On 17 February 2014, Wollongong City Council released the Economic Development Strategy 2013-23, which outlined the key priorities, goals and actions of Council to support economic activity in Wollongong.

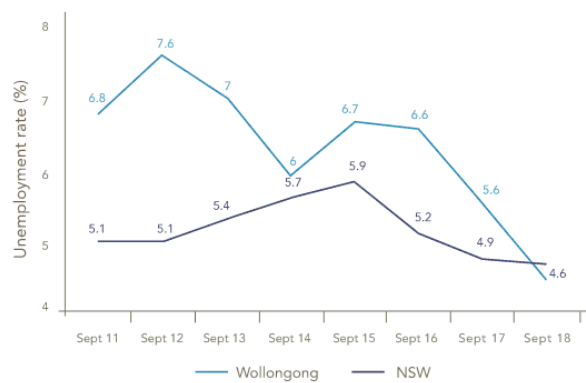
The Strategy is a supporting document for Wollongong City Council's 2028 Community Strategic Plan. The Strategy is focussed on Goal 2 - We have an innovative and sustainable economy.

The Economic Development Strategy 2013-2023 identified six ways Council can influence economic growth across the city.

1. Civic leadership
2. Marketing activities
3. Knowledge hub
4. Infrastructure
5. Planning
6. Business support

The focus of the Strategy was on lifting employment growth and jobs creation, including:

- Bringing the unemployment rate in line with the state/national average, including Wollongong's higher rate of youth unemployment.
- Reducing the number of people forced to commute each day.
- Reducing the 'brain drain' encouraging our best and brightest young people to remain in the region after graduating from their studies.



Source: Small Market Labour Force; ABS data

Fig 1: Unemployment rates, Wollongong LGA & NSW, 12-month average, September Quarter 2011 - 18

Since 2013, Wollongong has made considerable progress on addressing its unemployment rate. Historically, the unemployment rate has been stuck around 2 percentage points above the state-wide average. In recent years, this gap has closed with Wollongong's unemployment rate, as at September 2018, at 4.6% compared to the NSW average of 4.8% (See Fig 1).

Improvements have also been recorded around youth unemployment. In 2017-18 the Illawarra's youth unemployment rate was 10.6%, down from 12.9% in 2016-17 and is now broadly in line with the NSW average of 10.4%.¹

In contrast, the proportion of Wollongong residents leaving the region for work has risen slightly over recent years. In 2016, 33% of employed residents left Wollongong for work, up from 27% at the 2011 Census. These residents are largely travelling to the Greater Sydney area.

There is also a need to remain focussed on addressing the 'brain drain'. The share of graduates from the UOW staying in the Illawarra region after completing their studies is estimated to be 41%.²

Key Successes

The 2013-23 Strategy was accompanied by an Action Plan, which included a series of 24 discrete actions, some short term and others ongoing longer term advocacy actions. To date, eight of these action items are already complete. The majority of the remaining actions are longer term advocacy and lobbying items which will continue into the future.

Achievements under the Economic Development Strategy 2013-23 include;

- Ongoing promotion of Wollongong as a superior business location through Advantage Wollongong
- Attracting over \$1.4 billion in investment for city centre projects in the last six years
- Establishing Boxing Day trading in Wollongong LGA
- Joining the NSW Government's Small Business Friendly Councils program/Easy to do Business
- Establishing a dedicated Small Business Assessment team
- Streamlining major events process in place
- Introduction of online application and payment process for outdoor dining
- Establishing an online Wollongong Economic Profile
- Completion of Crown Street Façade Rejuvenation Program
- Implementation of WiFi in the Wollongong City Centre
- Bi-Annual Investor surveys undertaken
- Completion of City Centre Revitalisation Strategy
- Adoption of Evening Economy Action Plan with over 80 small bars and cafes opening in the city centre since 2012-2013





Consultation

As part of developing this Strategy we spoke to a broad range of stakeholders about how Council could lift local job creation.

These consultations, together with the development of the jobs target and extensive research into best practice policy, resulted in the development of a list of actions Council will undertake as part of its contribution to the

10,500 jobs target.

Who we spoke to and what they said

The development of this Strategy included engaging with multiple stakeholders who were able to provide their expertise and insights into the future economic direction of Wollongong. The consultation process covered a range of different approaches from meeting with small groups of interested parties through to conducting a major business survey.

This consultation included establishing a Reference Group of local business and government representatives to guide the development of the Strategy and provide expert advice and feedback.

Full details regarding the consultation and engagement program can be found in the supporting Community Engagement Report – a summary is provided here.

In all, we met directly with over 130 stakeholders and engaged, via a business survey, with almost 300 (predominantly small) business owners.

In addition to these direct engagements we read, reviewed and incorporated over 60 reports including economic development strategies from other Councils and other research papers.

The initial consultation activities, done while the Strategy was being developed, are summarised in Table 1.

Table 1: Initial consultation activities

Engagement type	Details
Reference Group	<ul style="list-style-type: none"> • Adele Fiene, ANZ • Jim Fraser, Illawarra Shoalhaven Joint Organisation • Kirstan Fulton, NSW Department of Premier and Cabinet • Michelle Guido, Property Council of Australia, Illawarra Chapter • Jonas Marcelo, Innovation Campus • Nigel McKinnon, NSW Department of Premier and Cabinet • Debra Murphy, RDA Illawarra • Adam Zarth, Illawarra Business Chamber <p>Met four times during development of the Strategy</p>
Industry groups and peak bodies	<p>Engaged with the following peak bodies:</p> <ul style="list-style-type: none"> • Illawarra Business Chamber • Property Council of Australia, Illawarra Chapter • RDA Illawarra • Destination Wollongong • Urban Development Institute of Australia • i3Net
Business survey	Survey sent to 5,000 local businesses - 292 responses
Investor/developer community	Roundtable held with key commercial investors in the city centre
Start-up community	Discussions with the start-up/scale-up community for perspectives from new businesses in Wollongong
Council staff	Two workshops providing opportunity for staff to have input into action items development
Councillors	Two briefing sessions for Councillors
Other levels of government	Engaged with surrounding LGAs and NSW Government representatives
Other organisations	Engaged directly with NSW Ports, UOW, local Chambers of Commerce



Two of the biggest external consultations we held were a business survey and an investor roundtable.



Business Survey

In December 2018 Council conducted a survey of 5,000 businesses in the LGA to gather their ideas about how Council can support them to create employment.

This survey generated 292 responses and provided valuable insights into their experiences around interacting with Council, what is done well and what areas need extra attention.

The top five industries respondents operated in were:

- Professional and technical services (22.2%)
- Wholesale and retail trade (11.1%)
- Construction (10.7%)
- Health Care (9.7%)
- Financial Services (8.0%)

Who participated?

Most respondents to the survey were micro-businesses who employed less than five people. Almost a third (32.8%) of respondents were sole traders and a further third (32.8%) employed between one and four people. Only 8.5% of respondents had more than 20 employees.

Business Survey Results

Main challenges



Rising input costs eg energy, supplies



Inability to pass on rising costs to customers



Time pressures. There is no time to think about my business and plan



Finding suitable staff



Rising wage costs

How can Council best assist your business?

We asked respondents for three areas Council could best assist their business.

The top five responses were:



Planning
Faster DA approval times



Procurement
More support for local businesses



Red tape
Less paperwork to complete when dealing with Council



Streetscape
More resources for improving public amenity



Marketing/Promotion
More promotion of the capabilities of the region and its businesses



Investor Roundtable

In December 2018 the Economic Development team and the City Strategic Planning team convened a roundtable of representatives from the Wollongong commercial property market. The purpose of this meeting was to discuss the challenges facing commercial development in the city. The key issues discussed included:

Tenant attraction issues

- A-grade occupiers, in particular State and Federal agencies, want 5 Star Green and NABERS (National Australian Built Environment Rating System) rated buildings. However current parking requirements make it harder to achieve these ratings.
- Major tenants want a minimum floorplate size of 1,000-1,200sqm so they can be on one floor which enhances the efficient operation of the business. From a commercial viability point of view, the ideal size of a building in Wollongong is 5,000-10,000sqm. A 10,000sqm building (1,200-1,500sqm floorplates) would require a site of at least 2,000sqm (using a 6:1 FSR).
- Tenants want certainty for when a project will be delivered.
- The current focus on private parking provisions for commercial buildings means less public parking is available outside business hours. Providing more public parking areas is critical.
- Reducing parking requirements was identified as the main measure that would improve the viability of commercial buildings projects.
- Tenants value buildings that have a good provision of public transport accessibility and high public amenity around the building.
- A-grade tenants do not want to be in a mixed use building.

Feasibility of commercial development issues

- There is a conflict between the feasibility of residential development, which significantly outweighs the investment return on commercial development.
- There is a risk of losing the commercial core to residential if the Local Environment Plan (LEP) is left unchanged, due to the current permissibility of shop-top housing throughout the commercial core. This challenge could be overcome with the establishment of a commercial only zone. Similar concerns were raised in a BIS Shrapnel study, Strategic Employment Review: Macquarie Park, which argued "The concern is that, by taking sites, residential development will limit the potential for commercial development when it becomes more financially feasible."³

Discussion around the Development Application (DA) process

- The timeframe for the DA process, so a project can be commercially viable, ideally needs to be 3-6 months.
- There is a need for greater engagement and dialogue throughout the life of the major project, not just at the pre-development/planning stage. This could be facilitated via a mechanism that expedites major employment generating projects to ensure the capacity to accommodate new jobs is delivered as soon as possible.

Other issues

- An opportunity exists for Council to leverage its asset ownership / tenancy in the city to deliver new commercial space in the CBD.
- Section 94 payments and heights are not seen as significant restrictions on commercial development.



Current State of Play

Before outlining the strategic objectives of this Strategy, it is useful to review the state of play as it relates to Wollongong, together with some of the challenges that need to be overcome. Wollongong has a number of advantages, including:

- The city's role as the regional capital and employment centre
- Wollongong's desirable liveability
- The large pool of highly-skilled potential employees including the commuter pool and UOW graduates
- Its world class industry-focussed research institutions
- Its proximity to Sydney and the international airport

There are also some challenges which Wollongong must overcome to improve the business and jobs creation environment. These include:

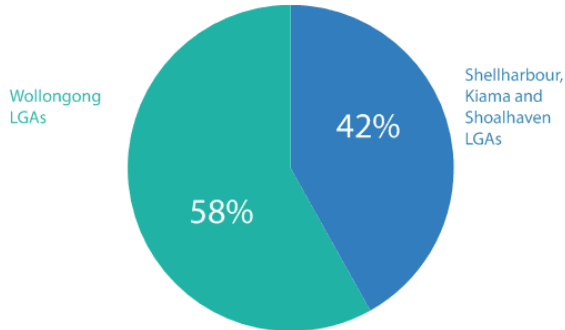
- Improving external perceptions of Wollongong
- Reducing the cost of commuting on individuals and the community
- Encouraging more innovation and entrepreneurship in Wollongong

Wollongong is...



The regional capital and
employment centre

Wollongong is the regional capital of the Illawarra. The size of the Wollongong economy is \$11 billion accounting for around 58% of the Illawarra regions \$19 billion economy (Fig 2).⁴



Source: NIEIR Data compiled by .id

Fig 2: Illawarra-Shoalhaven region, gross regional product, 2017-18

The importance of the Wollongong economy to the region is recognised in the Illawarra-Shoalhaven Regional Plan.

At the economic and cultural heart of the region is Metro Wollongong – a nationally significant city. Much of the future prosperity of the region will be built on the potential to generate jobs from the integration of education, health care, business and tourism precincts in Metro Wollongong.

Building a strong, diversified economy is a priority because it will enable the community to respond to environmental, economic and social challenges. A strong economy will generate the high-quality jobs that will retain and attract young people and university graduates. It will enhance the regions centres and public spaces and offer interesting cultural and recreational experiences that will increase the appeal of the region as a place to live, work and invest.⁵

Wollongong’s city centre and the immediately surrounding suburbs is a critical employment area. It is home to around 26,000 jobs which represents 29% of all employees in the LGA.⁶



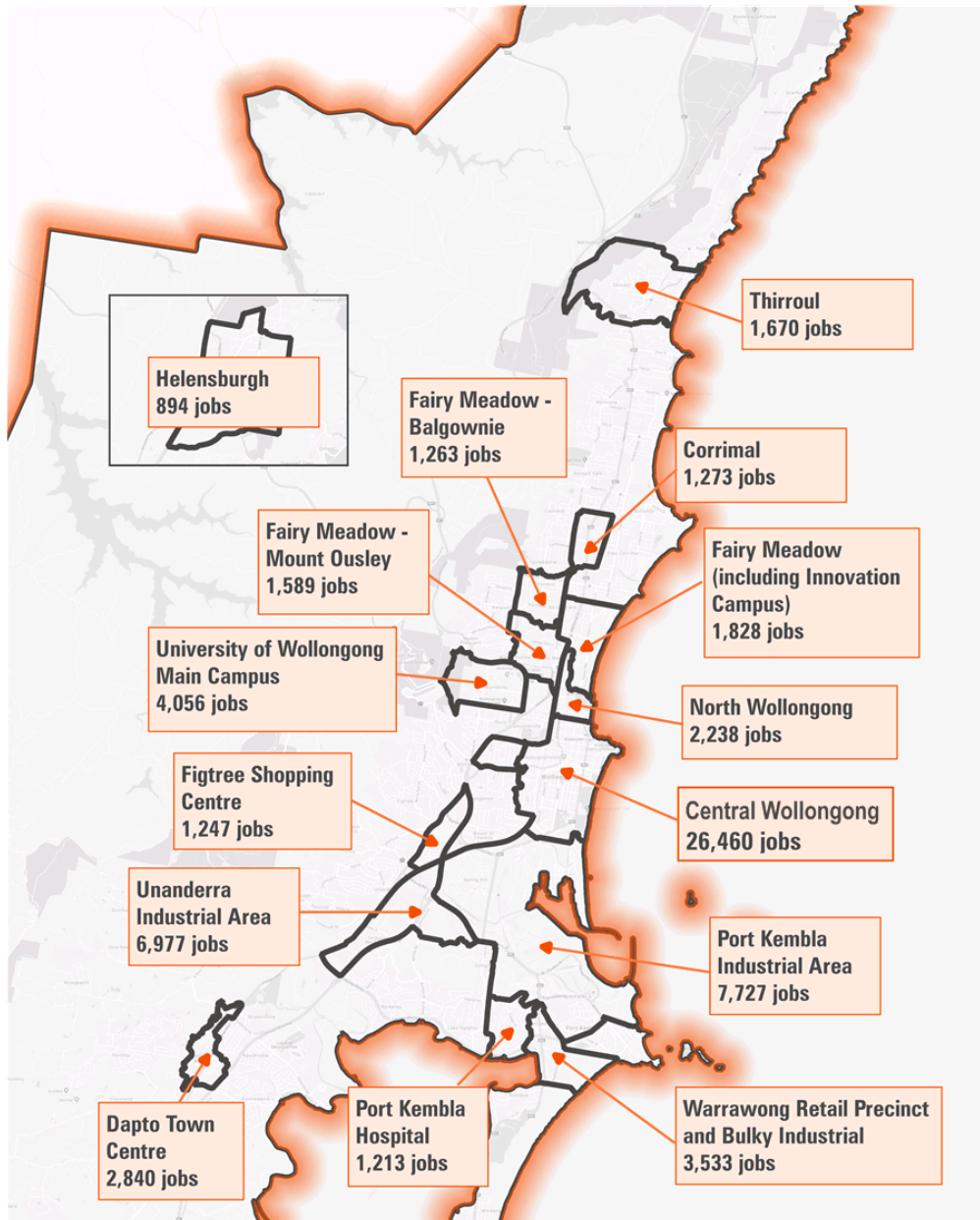


Fig 3. Key employment precincts, Wollongong LGA as of 2016

Fig 3 shows the key employment precincts across Wollongong LGA as at the 2016 Census and Fig 4 shows the change in employment in each area between 2011 and 2016.⁷ Central Wollongong is both the most important area in the LGA for employment and the

area that has experienced the largest jobs gains. This reinforces that strong employment growth in Central Wollongong has positive flow-on impacts for residents across the LGA and the broader region, providing them with local employment opportunities.

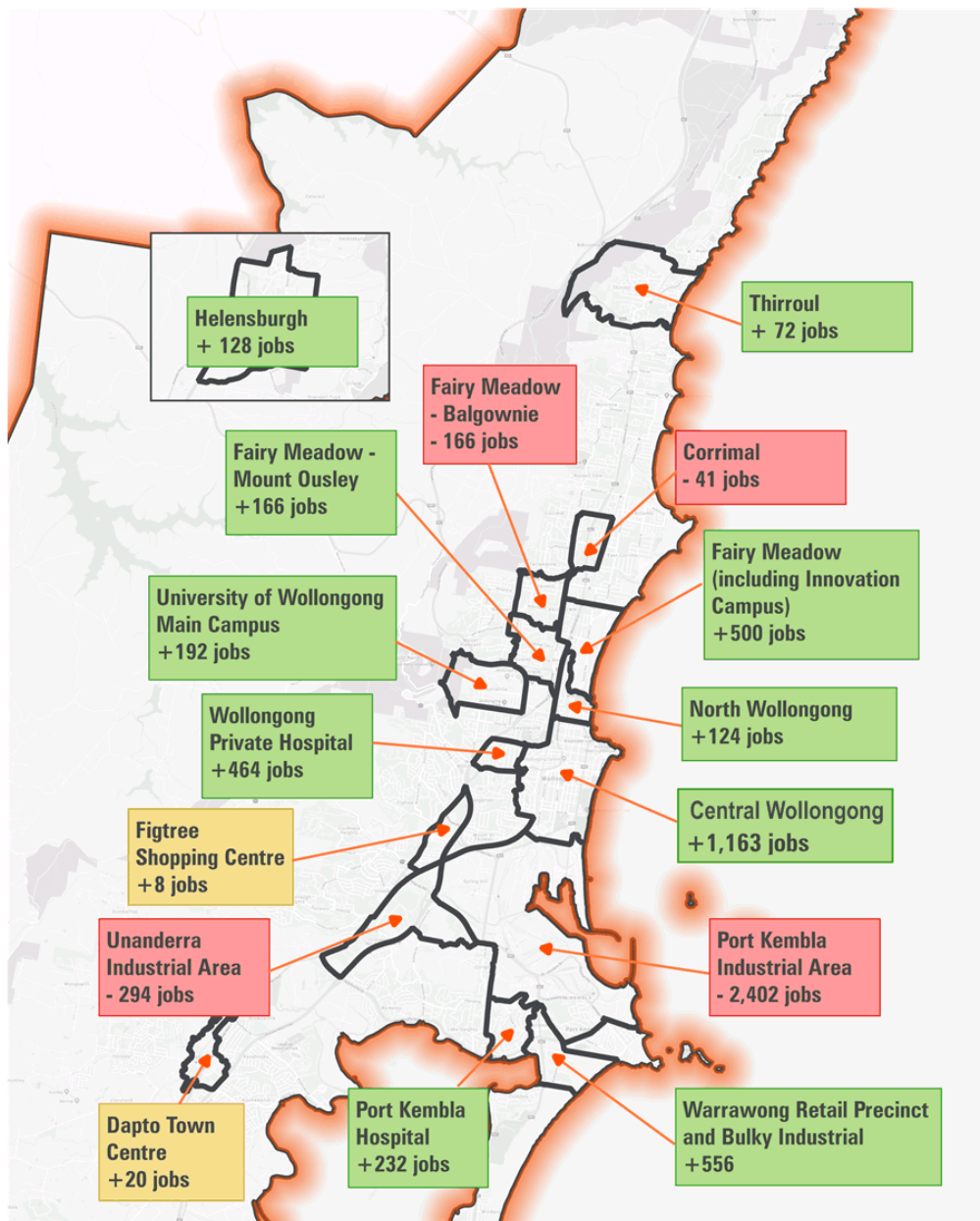


Fig 4: Change in job numbers by location, 2011 to 2016, Wollongong LGA

New developments in the Wollongong City Centre

Council has invested over \$30 million in upgrades to the city centre since 2012. Major projects include the Crown Street Mall revitalisation (\$20 million), Keira Street - Crown Street to Smith Street (\$4 million) and Crown Street West (\$1.5 million).

In addition, Council has also invested in ancillary city centre roadworks, car parks, bus shelters, drainage, lighting, events and traffic studies. Council has also invested \$40 million upgrading the city's foreshore from the Entertainment Centre to North Beach and Stuart Park.

Over the same period the city centre has seen \$1.4 billion in predominantly private investment since 2012. Major investments have included the \$268 million upgrade to Wollongong Central by the GPT Group; the new \$120 million Wollongong Private Hospital, operated by Ramsay Health Care; and the \$134 million expansion of the Wollongong Public Hospital.

There is currently 70,000 sqm of DA approved commercial space in the city centre, including the four largest office developments representing over 30,000 sqm in A-grade office space which could be completed within the next 24 months.

There is currently strong demand for commercial office space. The 2019 Office Market Report, published by the Property Council of Australia, found that there is currently a shortage of office space in the city centre. The vacancy rate for A-grade is low at just 1.4%.⁸

The city centre has seen a dramatic increase in demand for inner city living, with close to 1,500 dwellings forecast to be delivered between 2016 – 2021. This could increase the inner city population by around 80%.⁹ The city centre has also experienced a cultural renaissance with over 80 new small bars, eateries and cafes since 2012.¹⁰ It has a strong evening economy, attracting people to visit, socialise, eat and listen to live music.

Wollongong is also an important employment hub for residents of surrounding LGAs. Over 20,000 workers commute into Wollongong from other LGAs for work.

Over three-quarters (77%) are from the surrounding Illawarra-Shoalhaven LGAs with the remainder from Greater Sydney¹¹. This demonstrates that policies that support employment within Wollongong city centre, or more broadly Metro Wollongong, will deliver flow-on benefits across the LGA and across the Illawarra.



Fig 5: New Developments in Wollongong City Centre



A vibrant coastal city

The city boasts affordable living, a coastal lifestyle, a strong bar/café culture and quality infrastructure. Wollongong is located only an hour south of Sydney, and offers a great lifestyle close to the Sydney CBD without the congestion and high cost of living. Liveability is a key factor in Wollongong's superiority as a business location.

- Affordable living - Wollongong offers a generally lower cost of living, particularly with residential housing which is currently priced around 47% less than the Sydney median¹². Travel costs are also significantly lower due to reduced commuting times.
- Coastal lifestyle - Located immediately south of the Royal National Park, Wollongong's spectacular natural environment includes 17 patrolled beaches framed by the backdrop of the Illawarra escarpment, offering an abundance of recreational activities to enjoy. Wollongong is also known as an adventure city, with many high energy activities on offer for locals and visitors.
- Thriving arts, festivals, music, bar and foodie culture - Wollongong also attracts major concerts at its entertainment centre and hosts several music festivals.
- Quality public infrastructure – Wollongong has quality health infrastructure including a major teaching hospital and a number of private hospitals. Its education infrastructure includes a major TAFE institute and world-class university in the UOW.



Home to a large talent pool

Wollongong has a large, experienced, multilingual workforce with skills ranging from traditional manufacturing expertise through to creative industries and new economy digital technology based capabilities. This skill base is one of the key attraction for businesses considering locating in Wollongong.

Wollongong's local workforce is highly educated, with around two thirds of the workforce holding tertiary qualifications. This is on par with the NSW average in terms of post-school qualifications. Over a quarter (26.3%) of the workforce has a Bachelor degree or higher, a further 11.9% have an Advanced Diploma/

Diploma and 28.5% have a post-school Certificate qualification. Between 2011 and 2016 the number of people with a Bachelor degree or higher increased 18%.¹³

Around 23,000 residents across the wider Illawarra region travel to Greater Sydney for work, with a mix of skills in both white and blue-collar occupations. These skilled residents represent a talented pool of potential employees for any new business relocating to Wollongong.

Case study:

Wollongong's Knowledge Services Sector

Wollongong has a well established knowledge services sector, with approximately 6,000 people working in the industry across 85 locations in Wollongong. Major international and national corporations that are currently located in Wollongong include NEC, Mercer, SES NSW, PeopleCare, ahm, iag, ATO, Dept of Human Services, IMB, Stellar, Accor Hotels, Suncorp.

In 2018 Advantage Wollongong commissioned Fifth Quadrant to investigate the shared services capability of Wollongong and the financial benefit shared services firms can gain by relocating to Wollongong.¹⁴

The study found the operating costs of a 150 seat contact centre were considerably lower in Wollongong than in other comparable locations. The table below highlights the breakdown of costs for Wollongong versus three other metropolitan locations. Wollongong is the least expensive location with the lowest salary and real estate costs for an indicative 150 seat Knowledge Service centre operation, delivering savings in the range of 29% to 32% relative to comparable locations.

Table 2: Comparative operating costs for a 150 seat shared services facility

	Wollongong	Sydney CBD	Melbourne CBD	Parramatta
Total Salaries	\$7,090,000	\$9,640,000	\$9,635,000	\$9,640,000
Cost of Staff Turnover	\$64,615	\$211,010	\$211,010	\$211,010
Real Estate @ 1,750m2	\$700,000	\$1,750,000	\$1,225,000	\$962,500
Total	\$7,854,615	\$11,601,010	\$11,071,010	\$10,813,510
Being located in Wollongong would result in a saving to companies of		32%	29%	28%

In addition, the study found staff turnover rates are only 8% in Wollongong compared to 19% throughout Australia. The findings of this report have also been supported by real-world experiences from companies that have chosen to locate in Wollongong, such as Accelo.

"It's been awesome to be part of a global company having offices in San Francisco and Denver, while still being able to service the whole world from Wollongong. A huge advantage of being based in Wollongong is the talent pipeline coming from UOW has been really important to us"

- Eamonn Bell, co-founder of Accelo



A world-class research hub

UOW is a research-intensive university with an outstanding reputation across a broad range of disciplines.

UOW ranks among the top 2% of universities in the world with an enviable record in teaching and research. UOW has over 36,000 students, more than 2,400 staff and contributes around \$2 billion to the region annually¹⁵. These graduates are recognised for their capability, quality and success in the global workplace.

Graduates come from a range of disciplines, as outlined in Table 3.

Table 3: 2018 UOW Graduate Numbers

	Undergraduate	Postgraduate
Faculty of Business	795	585
Faculty of Engineering and Information Sciences	598	550
Faculty of Law, Humanities and the Arts	768	88
Faculty of Social Sciences	550	441
Faculty of Science, Medicine and Health	755	343

UOW is ranked in the top 1% in the world of universities for the quality of graduates in the 2019 QS Graduate Employability Rankings¹⁶.

UOW has been particularly successful with respect to Engineering & Technology which has a world ranking of 177, comfortably in the top 200 worldwide. At the subject level, Engineering – Mineral and Mining is ranked 17th worldwide for university courses in this discipline.

Research and industry collaboration

UOW has a strong research focus, with over 270 academic and research collaborations worldwide. The UOW Innovation Campus is a dedicated technology precinct where organisations can co-locate with leading research institutions and access an ecosystem to create connections, build networks and fast track their growth. UOW has an impressive track record in collaborating with industry to drive new products and processes, giving local companies a competitive edge internationally.

The links between business and researchers are further supported by Advantage SME, UOW's in-house industry matchmaker. Advantage SME helps businesses and researchers find their ideal partners and build beneficial relationships. Collaboration between UOW researchers and industry solves complex, real-world problems, helping businesses grow and prosper.

Fostering entrepreneurship

iAccelerate is UOW's business incubator and accelerator, dedicated to helping innovative businesses and start-ups build and grow, as well as support an innovative business culture in the region.

The iAccelerate 2018 Economic Statement showed iAccelerate has:¹⁷

- Delivered 517 new jobs to the region since 2012;
- Supported 74 companies in 2018 in a range of fields including tech, hardware, service, education, health, wellbeing and social; and
- Launched 210 new products and submitted 40 IP protection applications in 2018.

In 2019, iAccelerate has added short three day courses targeting businesses looking to improve their business planning processes and learn about entrepreneurial techniques. These are shorter versions of the full incubator program and are targeted at existing business owners looking to scale-up their businesses.

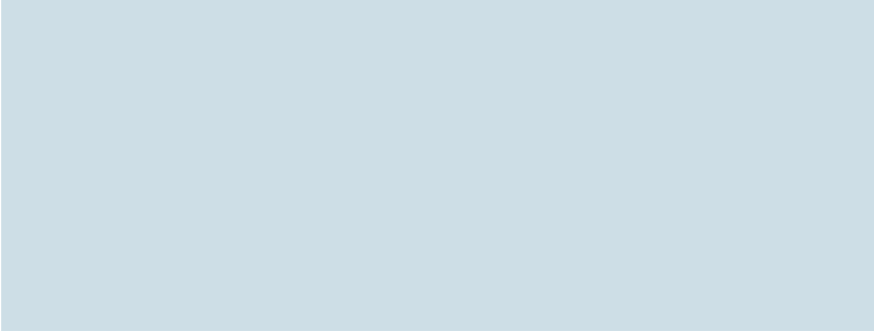
For technical skills, Illawarra TAFE has four campuses in Wollongong which delivers post-school education across a variety of industries and occupations including school-based training, short courses, certificates, diplomas and degrees.

Case study: SMART Infrastructure Facility

Established in 2011 by UOW, the SMART Infrastructure Facility brings together experts from fields such as transport, water, energy, economics and modelling and simulation and provides a state-of-the-art facility to support this important research.

The dedicated team of researchers tackle infrastructure issues from an integrated and multi-disciplinary perspective, with a focus on how infrastructure and social behaviour intersect to ensure more liveable cities and regions.

An international leader in applied infrastructure research, the SMART Infrastructure Facility is helping to address the challenges of infrastructure planning and management both now and into the future.



Close to Sydney and international connections

Wollongong is just one hour south of Sydney, Australia's largest city which means international airport connections are only an hour away at Sydney's Kingsford Smith Airport. Looking ahead, Wollongong is also only an hour away from the future Western Sydney Airport.

Wollongong needs to...



Change external perceptions

Advantage Wollongong is working to change outdated perceptions about Wollongong so that people understand the many benefits of locating a business in the city.

Advantage Wollongong is a partnership between Wollongong City Council, UOW and the NSW Department of Premier and Cabinet. The partnership has a long term, strategic approach to creating sustainable new jobs and productive investment for Wollongong achieved through the facilitation of significant new business investment projects.

Business Perceptions Study

In 2017, Advantage Wollongong commissioned IRIS to undertake a business perceptions study to assess perceptions of doing business and investing in Wollongong. Overall, the study identified external awareness of Wollongong as a place to do business is still generally weak. Wollongong was not on the

radar for most respondents. The study highlighted the outdated perceptions of Wollongong as a steel city and the associations with both ICAC and industrial disputes.

Strengths of Wollongong identified by the study included its proximity to Sydney, its great liveability, and UOW.

The findings of this study highlight the importance of the ongoing work being undertaken by Advantage Wollongong in changing perceptions and helping the business community to understand the many advantages of setting up in Wollongong.

Reduce the impact of commuting

Wollongong has a large commuter pool, with around 23,000 residents across the wider region travelling to Greater Sydney for work each day.¹⁸

On the one hand, the large commuter base means Wollongong has a high-skilled ready-made workforce for new or existing businesses to draw upon. It also means local residents can access jobs in Sydney that may offer higher levels of job satisfaction and/or salaries. On the other hand, this daily loss of talent from the region is associated with a number of negative externalities - including high economic and social costs borne by individual commuters, families and the broader community. Reducing the size of the commuter pool will also deliver a more connected and engaged community.

The undesirability of long travel times is well recognised by urban planners. For example, the Greater Sydney Commission's plan for Sydney is built around the idea of a '30 minute city'.¹⁹ This means most residents living within 30 minutes of where they work, access services and enjoy recreational activities. Most Wollongong residents already enjoy this lifestyle – but those in the commuter pool do not.

The concept of the 30 minute city is based on multiple studies (beginning with Yacov Zahavi²⁰ in the 1970s and built on by Cesare Marchetti²¹ in the 1990s) which found that over the entire history of cities people are willing to spend only up to an hour a day travelling for work (ie 30 mins each way). Initially this meant as far as someone could walk in 30 mins and then, as transport systems evolved, it shifted to as far as people could drive.

Beyond this 30 minute limit these studies observed fewer people were willing to travel for work. Having a large commuter base has a direct and immediate cost to the Wollongong economy. The salary of a commuter is still largely spent in Wollongong, where they live, on everyday household needs. But a commuter is more likely to also make purchases outside the region near their place of work, such as groceries and discretionary shopping, than a resident who also works in the Wollongong LGA.

But the real cost of commuting is the direct cost on the individual commuter such as the high social or health-based costs associated with long journeys to work. This includes a range of issues such as missing out on family time, sleep deprivation, lack of time for exercise/sport and a generally lower level of overall happiness and well-being (see case study).

There is also a broader community cost of having such a significant share of employees making long commutes for work. These people are not as available to participate fully in their local community through volunteering, participating in sporting clubs, community associations and cultural activities.

As a result of these high costs, regional planning strategies across the world place considerable focus on providing jobs close to where people live and reducing the burden of commuting.

Case study:

Cost of commuting: academic research findings

Examining the cost of commuting is an area that has been well researched by behavioural economists and psychologists.

A 2014 study by the UK's Office of National Statistics²², based on responses from a sample of 60,200 people to the Annual Population Survey, found significant impacts on the mental health of commuters compared to non-commuters.

The key findings of the study were:
Holding all else equal, commuters have lower life

satisfaction, a lower sense that their daily activities are worthwhile, lower levels of happiness and higher anxiety on average than non-commuters. The worst effects of commuting on personal well-being were associated with journey times lasting between 61 and 90 minutes. On average, all four aspects of personal well-being were negatively affected by commutes of this duration when compared to those travelling only 15 minutes or less to work.



Encourage innovation and entrepreneurship

Entrepreneurship

An emerging area of entrepreneurship in Wollongong is the growing start-up community, which often involves tech-based businesses. One way this has been encouraged is through programs such as iAccelerate. There has also been a less structured formation of new tech-based businesses that are choosing to locate in Wollongong, develop their ideas and solutions and then export them to the world.

This Strategy is not only about attracting new businesses to the region, but also wants to encourage more local residents to start a business, or encourage existing businesses to expand. Wollongong is lagging behind other LGAs in supporting entrepreneurship. Regional Australia Institute²³ research found that Wollongong has lower levels of business owner-managers, at 12.1%, versus 15.9% for regional NSW.

The Regional Australia Institute study findings are supported by a business survey conducted by Wollongong City Council which suggested even established businesses in the LGA are cautious when it comes to expanding their business.²⁴

The survey question, which received 248 responses, asked business owners about their plans for growing their business over the next year. Most (81%) said they were planning on either not growing their business at all (38%) or only modestly and without taking on risk (43%). Only 16% said they expected to experience strong growth (such as growing sales and workforce) and only 3% said they would aggressively grow their business (eg doubling the size of their workforce and turnover).

Innovation

Today in Wollongong, local business owners display high levels of innovation in their business operations. This was also highlighted by recent research by the Regional Australia Institute²⁵ which found, based on their matrix of innovation measures, that Wollongong ranked third out of 95 LGAs in regional NSW in terms of innovation.

Innovation can take many forms and does not need to involve a major change in operations. Finding new ways of completing an existing task is just as innovative as launching a completely new product. Innovation is significant because of the role it plays in driving productivity and lifting potential economic growth. One of the biggest influences on innovation in recent years has been the incorporation of digital capabilities into business operations.

In the last decade, there has been exceptional growth in the number of small, largely tech based, entrepreneurial ventures. These businesses seek to grow rapidly by utilising opportunities provided by lean methodologies, digital applications, decreasing barriers to entry, abundance of skilled labour, readily available Venture Capital funds (in some countries), and ready supply of low rent office space.

Recent Australian Government research (see case study) has also highlighted the benefits of having a business community, especially a small business community, willing to use digital-based innovation.

The Small Business Digital Taskforce released its report to the Australian Government in March 2018²⁶. This report recommended the establishment of an independent government-funded body to disseminate digital information, via trusted advisers, to small businesses about the benefits of going digital. The Taskforce found digitisation offers the best opportunity to lift productivity amongst small businesses.

Based on these findings, Wollongong's large base of SMEs (98% of all businesses) could stand to benefit substantially from taking their businesses digital, with flow-on impacts through the broader local economy. Council, along with other partners and independent government bodies, have an important role to play in assisting businesses to embrace greater digital transformation.

Case study:

Key findings of Small Business Digital Taskforce

Productivity enhancements associated with adopting digital technologies contributed over \$104 billion to Australia's GDP over the decade to 2014.

Those small businesses with advanced levels of digital engagement were 50% more likely to be growing revenue and 60% more likely to have more revenue per employee, than businesses with basic levels of digital engagement.

One third of their time – the amount of time the average Australian small business spends dealing with admin tasks

\$56 billion – amount of money wasted per annum by Australia & New Zealand businesses on unnecessary, time consuming admin tasks

81 – the number of working days per year the average small business spends on admin tasks





Strategic Objectives

Against the backdrop of these positive attributes and identified challenges for Wollongong, this Strategy is seeking to intervene in the current direction of the local jobs market to achieve three key strategic objectives.

1. **Jobs target** – generate 10,500 new jobs in the next decade to reduce the jobs deficit. This will be more than double the 4,998 net new jobs created in the decade to 2018.
2. **Lifting median incomes** – focus on generating new jobs in industries that are higher-paying, have a greater share of full-time jobs and are expected to grow in the future.
3. **Targeted sectors align with talent pool** – also align the target industries with Wollongong’s existing talent pool, in particular commuters and graduates of UOW.

This section outlines these objectives in detail, including the underlying economic data used to develop them.

Jobs target – 10,500 in ten years

The central objective of the Economic Development Strategy is to boost the number of jobs generated within the Wollongong economy which, in turn, will create more local job opportunities for the LGA’s residents. Lifting local employment opportunities will have a broad positive impact on the Wollongong community, both economically and socially.

As illustrated in Fig 1 (see page 8), there have been significant improvements in the unemployment rate in Wollongong in recent years. The challenge is to continue these positive improvements within a changing and volatile labour market.

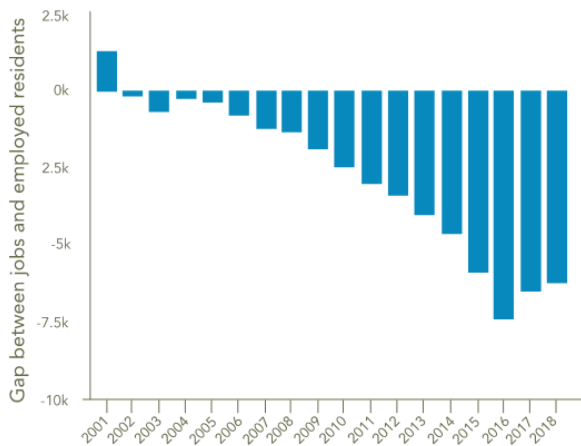
Not enough local jobs

Ideally, the Wollongong economy would generate enough jobs to give all employed residents the opportunity to work locally. Insufficient local jobs generation leaves some of our residents with no choice but to look outside Wollongong for work (details of the size and impact of the commuter pool are discussed on page 37).

Currently, there are 94,554 local jobs in the Wollongong LGA compared to 100,787 employed residents of Wollongong.²⁷

This gap between local jobs and employed residents, known as the jobs deficit, has been present since 2002. After peaking at 7,378 in 2016 (see Fig 6, page 32) this number fell to 6,233 in 2018.

Another way of thinking about the jobs deficit is the employment capacity of the economy. Currently, for every 100 employed residents in Wollongong there are 94 local jobs available.



Source: .id

Fig 6: Jobs deficit (local jobs v employed residents), 2000/01 – 2017/18

Manufacturing job losses

One of the main drivers in the Wollongong labour market over the past decade has been the decline in manufacturing employment. Manufacturing jobs effectively halved over the decade from just over 12,000 in 2007-2008 to around 6,000 in 2017-2018. This was triggered by workforce changes at local steel operations which then had flow-on effects throughout the supply-chain of the local economy, impacting engineering services firms which had businesses heavily geared towards servicing the city's major steel manufacturer. Manufacturing now represents just 6.6% of employment in Wollongong, which is only just above the NSW average of 6.5%. It remains, however, an important sector in terms of its contribution to the local economy and is still the largest export sector.

Jobs deficit still grows under 'business as usual'

.id was commissioned to undertake an assessment of the jobs deficit and provide analysis on the scope for improvement over the next decade.²⁸

Initially they estimated a 'business as usual' jobs growth projection, based on demographic and economic forecasts. Both the NSW and Australian economies are forecasting slower growth than has been experienced over the previous decade. Forecasts were then produced for how many jobs would be required to maintain the employment capacity ratio of Wollongong at its current level of 94 local jobs per 100 employed residents.

The final stage of the estimation then calculated the number of jobs that would need to be created to improve the employment capacity and make inroads into the jobs deficit.

Fig 7 is the business as usual scenario which shows, based on demographic trends and base-case economic forecasts, by 2028 there will be 109,510 employed residents of Wollongong for 100,359 local jobs. That is, the modest improvements in the jobs deficit of recent years is not forecast to continue, causing the jobs deficit to widen to around 9,000 and the employment capacity to fall to 0.92 (ie 92 local jobs for every 100 employed residents). This represents annual average employment growth of 0.6%, just above the 0.5% experienced over the past decade.

In short, this scenario would see Wollongong's resident workforce have proportionally fewer local employment opportunities than currently.

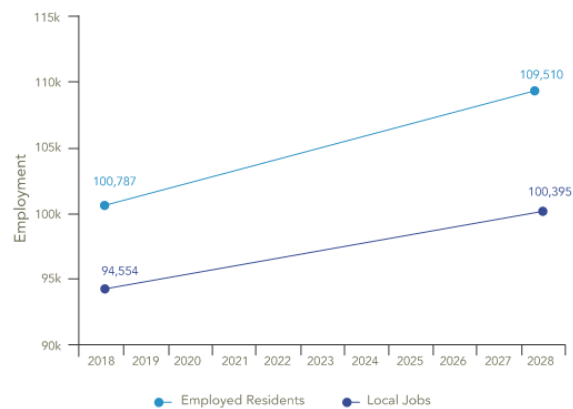


Fig 7: Business as Usual Employed residents V local job projections

Changing the jobs trajectory

The research concluded that, in order to improve Wollongong's employment capacity, the economy would need to grow local jobs by 10,500 over the next ten years (or 1.1% per year).

As shown in Fig 8, page 33 the Wollongong economy has created a net new 4,998 jobs in the ten years to the end of 2018 (or 0.5% per year). Under the business as usual scenario, outlined above, the number of new local jobs is projected to grow by 5,805 in the decade to 2028 (a growth rate of 0.6% per year). This equates to 92 local jobs per 100 employed residents.

If we were to aim to just keep the employment capacity at its current level of 0.94, we would need to create 8,184 local jobs in the next ten years. This would lift the annual average employment growth to 0.8%. To make inroads into the jobs deficit, and lift the employment capacity to 96 local jobs for every 100 employed residents, the Wollongong economy needs to create 10,576 jobs in the next decade. This would require lifting the annual average employment growth to 1.1%.

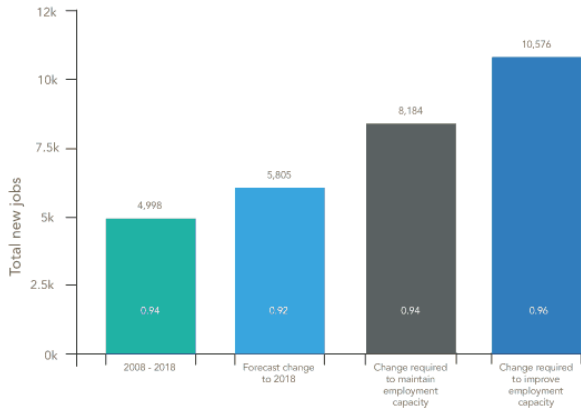
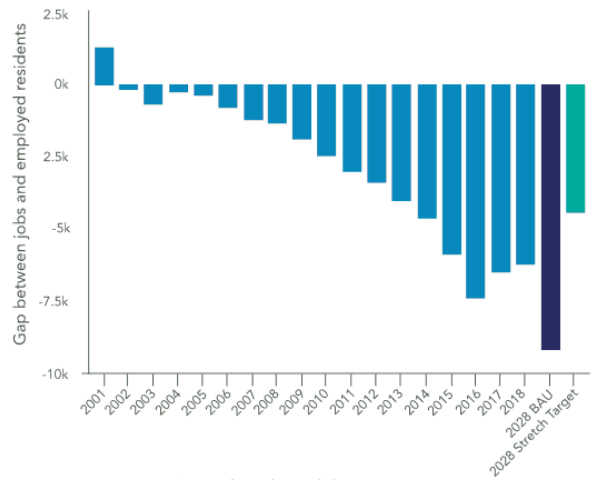


Fig 8: Jobs target and employment capacity ratios



Source: based on .id data

Fig 9: Impact of jobs target on jobs deficit

If achieved, this jobs target would have a significant impact on the jobs deficit. Fig 9 shows the two scenarios facing Wollongong in 2028. Under business as usual with no interventions, the deficit will widen to 9,151 (the navy column). If the jobs target is achieved then the jobs deficit will fall to 4,380 (aqua column) and be broadly in line with where it was in 2013.



Is such a turnaround possible?

This target of 10,500 is more than double the job creation results the Wollongong economy has achieved in the past ten years. Consequently, it is important to understand how achievable the jobs target is. We reviewed the performance of similar cities and regions in Australia to see if they had been able to achieve such gains and deliver growth in local jobs that was faster than growth in the employed residents of their city.

These findings are summarised in Table 4.²⁹

Table 4: Benchmark LGA Jobs Growth VS Employed Residents Growth, 2006-2018

LGA	Local jobs growth	Employed residents growth	Difference
Greater Geelong (C)	2.6%	2.3%	0.3%
Greater Bendigo (C)	2.1%	1.8%	0.3%
Cairns (C)	2.0%	1.8%	0.3%
Bathurst Regional (A)	1.3%	1.1%	0.1%
Tamworth Regional (A)	1.0%	0.9%	0.1%
Toowoomba (R)	1.5%	1.4%	0.1%
Ballarat (C)	2.2%	2.1%	0.1%
Sunshine Coast (R)	2.8%	2.9%	-0.1%
Townsville (C)	1.4%	1.5%	-0.1%
Newcastle (C)	1.6%	1.8%	-0.2%
Gold Coast (C)	2.6%	2.8%	-0.2%
Rockingham (C)	3.8%	4.0%	-0.2%
Orange (C)	1.1%	1.3%	-0.2%
Wollongong (C)	0.9%	1.4%	-0.5%

Benchmark analysis, Average annual growth in local jobs and employed residents, 2006 to 2018 Source: NIEIR, 2018

In short, there are a number of cities/regions across Australia which did grow local jobs faster than the growth in employed residents and thus narrowed their jobs deficit.

As an example, the City of Greater Geelong experienced similar falls to Wollongong in manufacturing employment during the last decade but managed to grow jobs faster than residents in key high-income professional areas. This was largely due to focussed public investment at a state and federal level that contributed hundreds of millions of dollars in new

office construction during this period and almost 2,000 ongoing white-collar jobs.

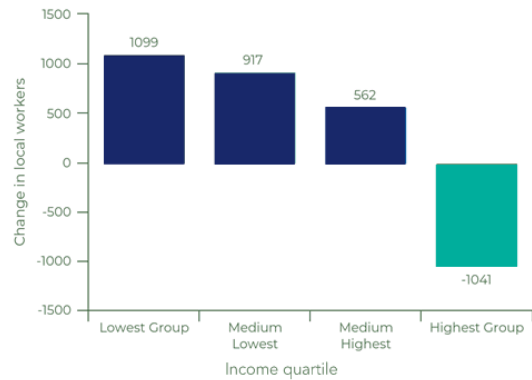
In addition, the Wollongong economy is unlikely to face the strong headwinds of the manufacturing job losses of the previous ten years. If manufacturing job losses are excluded, Wollongong's local jobs growth would have averaged 1.3% per year between 2008 and 2018. This makes the 1.1% annual jobs growth required to reach the jobs target look more achievable, even taking into account the slowdown in macro-economic projections that are forecast until 2028.

Lifting median incomes

This Strategy also seeks to improve median incomes across the LGA, which will have a direct positive impact on residents. Consequently, we are targeting jobs that can deliver a sustainable income into the future.

Most job losses have been in higher paying jobs

Looking at income quartiles data between 2011 and 2016 (each quartile contains 25% of incomes) most of the new jobs created between the census periods had income levels at the lower end of the scale (see Fig 10). There has also been a decline in over 1,000 local workers from the highest income quartile (ie those earning > \$1,750 per week or \$91,000 per year).



Source: ABS Census 2016 compiled in .id

Fig 10: Change in local worker individual income quartiles 2011-2016

Gains and losses

The slower growth in median incomes is related to the types of jobs Wollongong has been gaining and losing in recent years. Fig 11 highlights the top 5 sectors for job gains and losses.

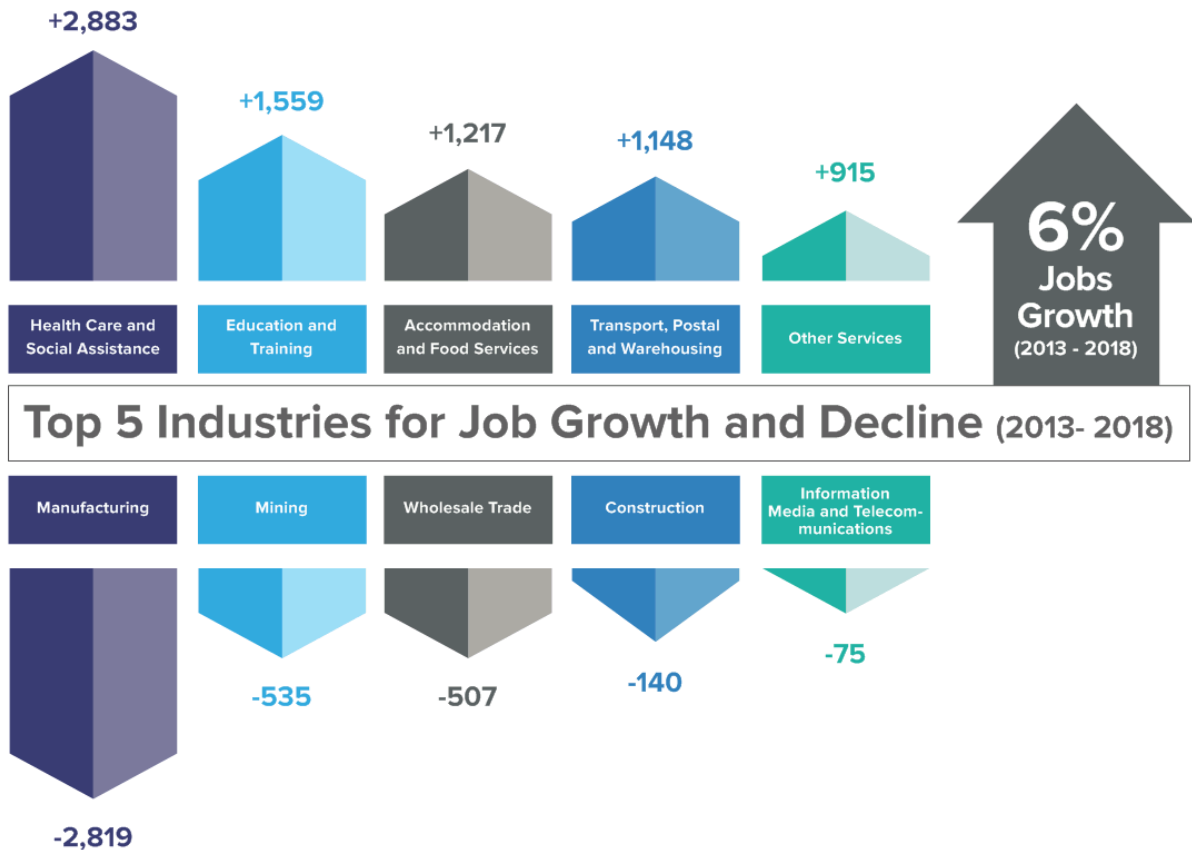
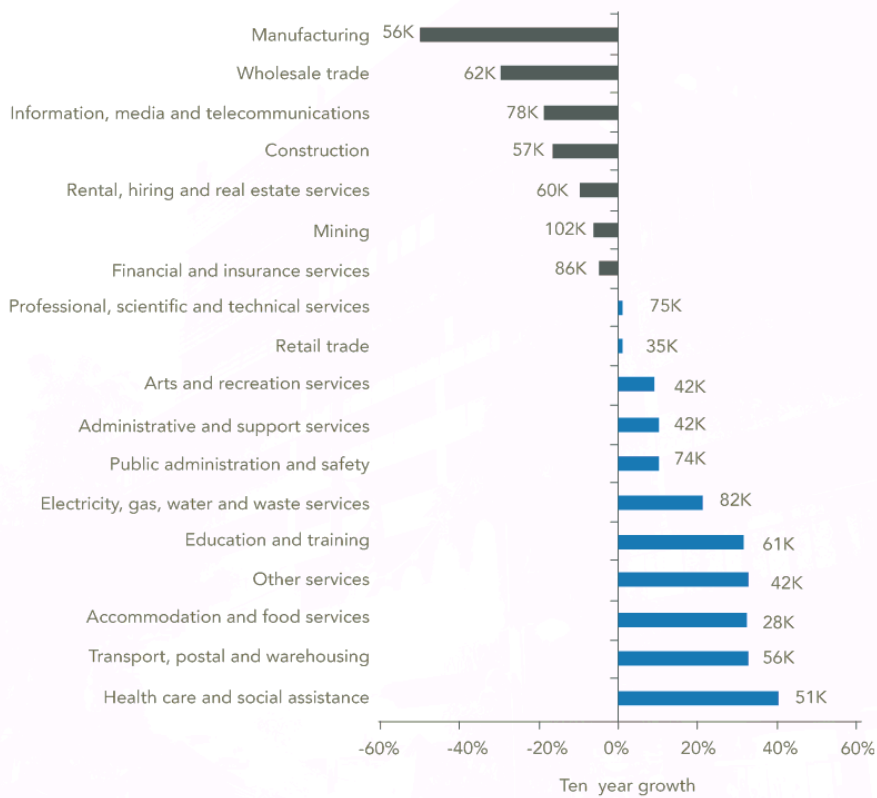


Fig 11: Top 5 Industries for Job Growth and Decline (2013-18)

The sectors that have seen the biggest job losses tend to be those with a higher propensity for higher-wage full-time jobs (such as manufacturing and mining). In contrast, the biggest employment gains have been in sectors that have a higher share of part-time/casual employment (social assistance, education and food services).

Fig 12 highlights this point further, comparing the change in jobs in a sector with the average wages produced by the sector. Many of the sectors which have had strong jobs growth also have low wages growth and vice versa. Four out of the top five growing sectors have median incomes less than \$60,000 and six out of the nine sectors with median incomes above \$60,000 experienced decline or little growth.



Source: based on .ID data

Fig 12: Sector employment growth (2007/08 – 2017/18) and median incomes (2017/18)

The talent pools

The final strategic objective of this Strategy is to target growth in those industry sectors that align with the two large pools of skilled workers Wollongong has – the commuter pool and UOW graduates. The target sectors identified above largely meet this criteria and could potentially employ people from the commuter and graduate pools.

The skills of the commuter pool cover a range of blue collar (8,000) and white collar (14,000) industries. Almost two thirds of commuters work in predominantly white-collar occupations, including nearly 9,000 managers

and professionals. Of these, the largest occupation group is specialist managers (2,000+ commuters), covering a range of sectors including advertising, public relations, human resources, tech, finance, logistics and construction – highlighting the talent pool available for any business looking to locate or grow in Wollongong.

There are also over 8,000 blue-collar workers, including technicians and trades workers, sales workers, machinery operators, drivers and labourers.

Table 5: Illawarra Commuter Pool

Occupation	Number of Commuters	Share of Total (%)
White Collar Workers	14,189	62.2
Managers	3,272	14.3
Professionals	5,715	25.0
Community and Personal Service Workers	2,439	10.0
Clerical and Administrative Workers	2,763	12.1
Blue Collar Workers	8,291	36.3
Technicians and Trades Workers	3,642	16.0
Sales Workers	1,292	5.7
Machinery Operators and Drivers	1,933	8.5
Labourers	1,424	6.2
Inadequately Described/Not Stated	357	1.6
TOTAL	22,830	100

Source: ABS Census 2016

In terms of the graduate pool, more than half (59%) leave the Illawarra after they have graduated. This pool of talent, like the commuters, is a valuable resource for current and potential employees in Wollongong.³⁰

These graduates are recognised for their capability, quality and success in the global workplace. Details of the key strengths of these graduates are outlined earlier in this Strategy (page 25) but include IT and engineering-based disciplines.



Targeted future sectors

In order to shift the job mix in Wollongong towards higher incomes, more full-time jobs (and therefore support welfare outcomes), targeting growth in specific sectors is required. We identified a number of sectors that:

- Provide high median incomes,
- Have a high full-time employment ratio in the local job market
- Currently provide employment for a higher share of residents than they do for local jobs (suggests resident labour force has the skills and could fill opportunities if they arise), and
- Are expected to experience growth over the next decade.

These are summarised in tables 6 and 7.

The opportunities for job uplift from each of these sectors is summarised in Table 6. Overall, these broadly align with the sectors identified by Advantage Wollongong.

Table 6: Potential sectors to target to lift incomes

Industry Sector	Income >\$65,000	Full Time Ratio >65%	Higher Share of residents	Forecast Growth
Agriculture, Forestry and Fishing	N	N	Y	Y
Mining	Y	Y	Y	N
Manufacturing	N	Y	N	N
Electricity, Gas, Water and Waste Services	Y	Y	Y	Y
Construction	N	Y	Y	N
Wholesale Trade	N	Y	N	N
Retail Trade	N	N	Y	Y
Accommodation and Food Services	N	N	N	Y
Transport, Postal and Warehousing	N	Y	N	Y
ICT/Tech	Y	Y	Y	Y
Financial and Insurance Services	Y	Y	Y	Y
Rental, Hiring and Real Estate Services	N	Y	Y	Y
Professional, Scientific and Technical Services	Y	Y	Y	Y
Administrative and Support Services	N	N	Y	Y
Public Administration and Safety	Y	Y	Y	Y
Education and Training	N	N	Y	Y
Health Care and Social Assistance	N	N	N	Y
Arts and Recreation Services	N	N	N	Y
Other Services	N	N	N	Y

Table 7: Where are the jobs coming from?

Sector	Opportunity	Enablers
ICT/Tech	Build on growth of existing tech industry and growth in start-ups	<ul style="list-style-type: none"> • High capacity broadband connections • Secure data storage facilities • Diversity of office space and/or rentable studios
Financial and Insurance Services	Attract auxiliary finance firms based on local expertise, better support potentially disruptive fintech companies.	<ul style="list-style-type: none"> • High capacity broadband connections • Start-up/venture capital • Available quality low rent office space
Professional, Scientific and Technical Services	Attraction of new regional offices of private companies and enabling high growth of start-ups	<ul style="list-style-type: none"> • Boosting the range (specialisation and scale) of incubators and accelerator programs • Leveraging recent establishments for investment promotion • Providing a mixture of A-grade and low rent office space • Improving accessibility to Sydney and the airport
Public Administration and Safety	Decentralisation of major government agency	<ul style="list-style-type: none"> • Improving accessibility to Sydney and the airport • Upgraded Illawarra Airport • Available high-grade commercial space • Quality convention and training facilities
Electricity, gas, water and waste services	Attraction of headquarters or major office of utilities authority/company	<ul style="list-style-type: none"> • Improving accessibility to Sydney and the airport • Available high-grade commercial space

Professional, Scientific and Technical Services

Wollongong has strong potential to boost its jobs generation in this sector and there is a substantial resident labour pool to draw on from both the commuter and graduate talent pools.

Many residents with expertise in these areas are currently commuting outside the LGA for work. There are currently 9,000 managers and professionals who live in the Illawarra region but work outside the LGA across Greater Sydney.

UOW is also a provider of talented employees to fill jobs in this sector. UOW ranks above or world standards for research in Mathematical Sciences, Chemical Sciences, Earth Sciences, Engineering, Law, Cultural Studies and History/ Archaeology.³¹ Jobs gap analysis by field of occupation, undertaken by .id, reinforces UOW's acknowledged strengths by highlighting there are key gaps between residents and job numbers in:

- Engineering
- Law
- Creative Industries (Communication and Media; Graphic Design).

The other key target in this sector would be in Computer System Design and Related Services industries building on the existing specialisation Wollongong has in this area.

Public Administration

Decentralisation of federal or state government administrative offices have a history of supporting the retention and attraction of qualified residents and encouraging new investment. For example, Geelong has secured the following government offices in recent years:³²

- The Transport Accident Commission was successfully relocated to Geelong in 2009 supporting 650 employees in a purpose-built building;
- WorkSafe Victoria started relocating in 2016 and in 2018, 700 employees moved into a brand new \$120 million A-Grade Office building.
- The National Disability Insurance Agency which currently supports 300 jobs and is expected to rise to over 500 upon completion of a new dedicated office building.

Wollongong already hosts the Australian Taxation Office (400 employees) and the state headquarters

of the SES. High quality transport and communication infrastructure, low office rental costs, and access to a skilled labour force means a transfer of additional operations could happen comparatively easily.

Electricity, Gas, Water and Waste Services

The city is well placed to support the commercial operations of a large utilities company. These offices often provide a substantial boost to jobs and local incomes. For example, Port Macquarie is home to the headquarters of Essential Energy supporting over 600 jobs in the city with the median income of these jobs being just over \$98,000 in 2016.

Financial and Insurance Services

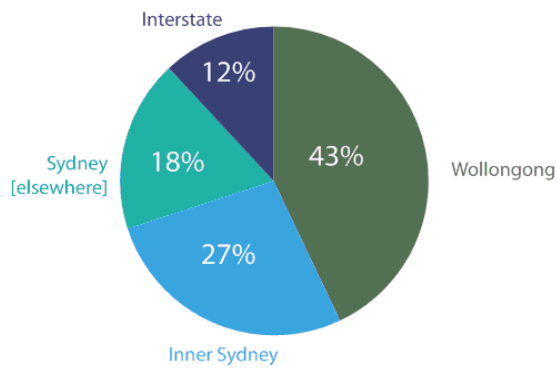
Wollongong has an acknowledged specialisation in superannuation funds administration with organisations such as Mercer and PeopleCare calling Wollongong home. The value of this sector is expected to continue to grow due to raises in the super guarantee. Wollongong is also uniquely equipped to deal with the significant disruptions the industry faces over the next five years, due to competition from non-traditional entrants to the sector.

The combination of existing expertise in funds management and a pool of educated IT workers could spur a number of Fintech start-up enterprises if supported by venture funds and adequate mentorship (eg accelerators).

ICT/Tech

Wollongong is already home to several successful ICT based companies that have established presence in national and international markets and UOW is obviously a recognised producer of IT talent. ICT companies located in Wollongong include NEC, Accelo, iTree, Easy Agile, Evanscorp and Internetrix.

The talent pool of graduates represents an ongoing source of future employees for the tech sector. For example, in 2016 more than half (57%) of young graduates in this field who were living in Wollongong in 2011 were working elsewhere by 2016 as they left Wollongong to gain employment elsewhere. Fig 13 outlines the employment destination of Wollongong IT graduates.³³



Source: ABS Census 2016

Fig 13: Employment destinations of Wollongong IT degree educated young adults

Advanced Manufacturing

Continued transformation in local manufacturing will influence the ability to generate or maintain jobs. Wollongong has expertise and capabilities in a number of specific sub-areas combined with UOW's research base in advanced materials and technologies. Advantage Wollongong is also targeting the following industries as future drivers of employment growth.

Wollongong has strong supply-chain linkages through the advanced manufacturing sector, as a result of its 90-year history in heavy manufacturing. Wollongong's advanced manufacturing sector is fast changing and diversifying, with significant operations in industrial, chemicals, mining, defence, construction, textiles and food and beverage, as well as exploring opportunities in emerging fields such as renewable energy.

Local companies compete locally, nationally and internationally by targeting niches which value high-quality, high-performance manufactured product.

Additional Advantage Wollongong identified sectors

Along with the sectors identified by .id, Advantage Wollongong is also targeting the following additional industries as future drivers of employment growth. These additional industries have been identified based on the experience developed during the 10 year Advantage Wollongong partnership.



Defence

Wollongong has a well-developed ecosystem of organisations involved with defence related manufacturing, research services. Wollongong companies offer a wide range of capabilities including:

- Military-grade communications systems
- Armoured steel plate
- High-end welding and engineering
- Engineered plastics and polyurethane
- Electrical isolators and enclosures
- Specialist protective coatings
- Base safety systems
- Ruggedised medical computing devices
- Specialist labour services

The armoured steel for the Collins-class submarines, Adelaide-class frigates and the Hobart-class Air Warfare Destroyers (AWD) projects was manufactured in Wollongong. Leading defence research and development organisations in Wollongong include:

- Defence Materials Technology Centre (DMTC)
- The SMART Infrastructure Facility
- The Steel Research Hub
- The Centre for Computer and Information Security Research

UOW continues to produce excellent health graduates in fields including medicine, nursing, Medical and exercise Science, nutrition and dietetics and Indigenous health.

Advantage Wollongong will be targeting organisations who provide support services and innovative products/technology. Advantage Wollongong will also target allied and mental health companies that have a strong focus on R&D and innovation in treatment.

Scale-ups

Wollongong already has a reputation for being an incubator city to start-ups through iAccelerate. While Sydney hosts the nation's largest collection of tech start-ups, our proximity to and support of the start-up ecosystem is a major advantage.

Wollongong's supportive business networks, along with access to a highly skilled workforce, including a large graduate pool, attract entrepreneurs who have successfully commercialised their business, secured investment and are ready for accelerated growth.

Medical Science and Technology

Wollongong's growing medical science and technology sector is supported by a network of service partners including leading researchers and education providers linked to UOW, and private and public health practitioners.

Case study:

Illawarra coal used for steel making not energy

The sector analysis (Table 6) highlights that mining offers well paid jobs that are largely full-time, which are the industry characteristics this Strategy is seeking to capitalise on.

The challenge for the sector is that climate change, and the resulting trend towards the decarbonisation of the energy sector, is reducing the attractiveness of the broad mining sector for investors. Hence, the analysis flags mining as an industry that may not display high growth going forward.

For the Illawarra-based mining sector, however, the outlook is more positive. Coal mined in the Illawarra is metallurgical which is coal used in the steel-

making process rather than in power stations. This means that the impact of the decarbonisation of the energy sector will be more muted on the Illawarra than those regions that predominantly mine coal used in power stations.

The coal mined in the area also has important linkages across the local economy, via its direct use in steel making and its shipment to export markets via Port Kembla. These supply linkages, through high-skilled well-paying largely full-time jobs, also support economic growth across the broader population-serving sectors of the economy.



Part 2 Achieving the objectives

This Strategy takes an interventionist approach and looks to change the trajectory of business as usual jobs growth in Wollongong. This will require multiple policy changes to achieve, which are outlined in further detail in the remainder of this Strategy.

Firstly, there are a number of potential game-changer projects that, if delivered, will contribute to reaching the jobs target and achieving the secondary objectives around lifting median incomes and increasing local

employment opportunities for people currently commuting for work or forced to leave the region once their tertiary studies are completed.

Secondly, Council has its own policy levers that will contribute to place a higher priority on jobs growth within Council's own actions and priorities. The specific actions Council can take are detailed in the Action Plan section of the Strategy.

Potential game-changers

As well as Council's direct actions, there are a number of external 'game-changers' - significant projects or activities - that could have a major impact on Wollongong's labour market if delivered.

The game-changers we have identified are:

1. Critical transport projects to reduce the travel time between Wollongong and Sydney
2. Capitalising on the growth of Western Sydney and the development of the Aerotropolis
3. Increase the office capacity in the Wollongong city centre
4. Development of unused and underutilised employment lands
5. Attraction of more major events and tourism infrastructure
6. Completion of the Australian Industrial Gas Energy Terminal Project
7. Establishment of a city centre university campus
8. Delivery of the Port Kembla container terminal project
9. Further evolving as a smart city
10. Improving the effectiveness of our advocacy

1. Critical transport projects

Wollongong to Greater Sydney connections

Historically the focus has been on moving freight and people between Wollongong and the Sydney CBD. However, in line with the work of the Greater Sydney Planning Commission, there is now recognition that Sydney is three cities – Eastern (around the CBD), Central (around Parramatta) and Western (around the new Western Sydney airport). Consequently, transport planning needs to also focus on improving connections between Wollongong and the Central and Western cities, both of which will be experiencing rapid population and employment growth in the future. Hence there needs to be a focus on infrastructure projects that head west – such as the South Western Illawarra Rail Line (SWIRL) – and not just those that head north to the traditional Sydney CBD.

In 2016, 65% of Illawarra commuters to Greater Sydney travelled to work by private motor vehicle. Another 20% travelled by public transport, the majority by train.³⁴

There are a number of transport projects that are critical to Wollongong and the broader region, at various stages of planning, which have the potential to boost employment growth in Wollongong. These projects are largely focussed on reducing travel times and congestion on the key arterial road and rail links between the Illawarra and Greater Sydney.

The 360 Illawarra Shoalhaven Economic Outlook, completed in 2018, notes the importance of improving connections between Sydney and Wollongong as critical to enhancing employment options, business opportunities and liveability for the region.³⁵

SWIRL

The SMART Infrastructure Facility at UOW undertook an examination into measures to improve the speed and reliability of rail connectivity between the Illawarra and Sydney.³⁶ A primary recommendation of the report was the construction of the passenger and freight South West Illawarra Rail Line (SWIRL), by completing and electrifying the Maldon-Dombarton line and the electrification of the Moss Vale – Unanderra line. The SWIRL link will provide an important connection to the growth area of South West Sydney. The estimated cost for this project was \$1.7 billion. Economic modelling found a benefit-cost ratio of 1.13 and would add \$2.6 billion in GRP for the Illawarra.

The new Western Sydney Airport, which was approved after this study was completed, would further enhance these benefits and provide a significant economic opportunity for the Illawarra region. The delivery of

SWIRL also makes sense from a risk management perspective. It will provide an alternate passenger and freight link to Sydney should the South Coast Line either reach capacity or experience temporary service disruptions.

South Coast Line upgrades

Duplication of the South Coast rail line is essential to cater for both growing freight and passenger demand to the CBD and Port Botany/Airport regions. The NSW Transport 2056 report estimates this line will reach capacity by 2031.³⁷

In addition, improvements to the track, such as removing bends, could increase both speed and capacity.

Mount Ousley interchange and widening

This important arterial link down the Illawarra Escarpment already operates at capacity during certain periods of the day, making this upgrade project a major priority.

The NSW Government has committed funds to improving the interchange at the bottom of Mount Ousley. However, the current lack of capacity at peak times suggests the road also needs to be widened so that the southbound carriageway is three lanes for the whole length of the descent down the escarpment. The NSW Government has not yet committed to funding the widening project.

Picton Road

Picton Road is a major freight connection between the M1 Princes Motorway and the M31 Hume Motorway. The SMART Infrastructure Facility estimates this road is likely to reach capacity by 2025 and needs to be upgraded to a full four-lane divided highway.³⁸

Almost a quarter of its 20,000 daily vehicle movements are heavy vehicles. Currently the 27km stretch of road between the two major motorways is largely single lane, with 8kms of passing lanes in various sections. To date, funding has only been allocated to convert 3km of the road to dual-carriageway (Hume Motorway to Almond Street). Improvements in recent years have focussed on safety enhancements.

F6 Extension

There is currently no motorway standard route between the Sydney motorway network and the M1 Motorway at Waterfall. Demand for road travel along this corridor is high and the arterial network is at capacity during peak periods. The three crossings of the Georges River, which together accommodate almost 200,000 trips per day, are at or close to capacity.

This leads to long travel times, because of slower speeds and intersections on arterial roads, and congestion. The initiative proposes a motorway connection between the Sydney motorway network and the M1 at Waterfall. The New South Wales Government has committed to construct Stage 1 of the link between WestConnex (New M5) and President Avenue at Kogarah.

Cost-benefit estimates

The Illawarra Business Chamber has undertaken a number of studies to estimate the benefits of infrastructure projects in the region, which are detailed in Table 8. The table also includes the government views expressed in the current NSW Transport 2056 and Infrastructure Australia Priority List.

As outlined in Table 8, many of these projects are only listed for investigation over the next decade by the NSW Government in its Transport 2056 plan. More recently the NSW Government announced in December 2018 that it is investigating the opportunity for high-speed rail links along four corridors between Sydney and regional NSW, including the Nowra-Wollongong corridor. This process will begin in 2019 with the initial focus on how to make existing infrastructure work better and accommodate trains travelling up to 200km/hr. Further funding, beyond the \$4.6 million for the initial feasibility study, has not yet been committed.

Table 8: Critical Transport Projects for the Illawarra Region

Sector	Reduce travel time by	Benefits Illawarra/yr	Project cost	Required by (IBC)	Transport 2056	2019 Infrastructure Australia priority list
South West Illawarra Rail Link (SWIRL)	31 mins (Campbelltown) 34 mins (Liverpool)	\$74m	\$1.7b	2028	10-20 years investigation	0-5 years (freight component - rail access for Port Kembla)
Mt Ousley interchange and widening	Unavailable	\$46m	\$220m - \$330m (Widening)	2025	0-10 years committed (Interchange only)	No comment
Picton Rd upgrade (Dual Carriageway)	Unavailable	\$42m	\$180m - \$220m	2025	0-10 years investigation	5-10 years (not full dual-carriage way)
F6 extension (Stages 1,2,3)	27 mins (Sydney CBD)	\$67m	\$8.6m - \$10.4m	2025	0-10 years committed (Stage 1) 0-10 years investigation (Stage 2 & 3)	5-10 years
South Coast Line upgrade	15-30 mins (Central Station)	\$55m	\$2b	2030	0-10 years investigation	10-15 years

Source: Illawarra Business Chamber (2017) Upgrading rail connectivity between Illawarra and Sydney; Illawarra Business Chamber (2018) Upgrading road connectivity between the Illawarra and Greater Sydney; NSW Government (2018) Future Transport Strategy 2056; Infrastructure Australia (2019) Infrastructure Priority List

Improving inter-city connectivity times

This idea of improved connectivity between the regional cities around Sydney – Wollongong, Central Coast and Newcastle – has also been explored by the Committee for Sydney.³⁹ This analysis found that by reducing travel times between Wollongong and Sydney to 60 mins (from around 90 mins currently) could result in a shift in housing demand, populations and employment out of Sydney and towards the regional cities which offer more affordable and attractive lifestyles. This report estimated that by 2036 the 60 min train connection could result in an additional 10,000 dwellings in Wollongong.

Furthermore, after an initial increase in employment flows towards Sydney (as new residents kept working in Sydney), ultimately the 60 min shift would result in this trend reversing as businesses were also attracted by the benefits of locating in the regional cities. The study found that by 2036 an additional 4,725 jobs could be created in Wollongong. For context, this represents just under half of the 2028 jobs target outlined in this Strategy.

Regional transport infrastructure

Significant employment opportunities could also be delivered to Wollongong via improvements in regional infrastructure. Investment in neighbouring LGAs has an impact on potential jobs growth in Wollongong.

The Illawarra Regional Airport currently has a single operator offering commercial flights between Wollongong and Melbourne/Brisbane. Topographical challenges, caused by the proximity of the airport to the escarpment, mean there is only limited opportunity to land larger commercial jets. Nevertheless, the expansion of routes and/or operators would have a positive impact on both tourism and business travel to Wollongong. The recently announced upgrade to the airport (\$16 million) highlights the important role this transport connection has for the broader Illawarra region.

The Moss Vale - Unanderra freight line delivers a critical link between the Main South Line, which connects through to Sydney, and the Port of Port Kembla. It too has geographic challenges because of the steep nature of the climb. Upgrades to the line, even if the SWIRL project is delivered, are critical for the future of logistics and freight transport in Wollongong and the broader region.

These upgrades are becoming increasingly important as the Illawarra Line (a joint freight and passenger line) gets closer to reaching capacity. This issue was most recently highlighted by Infrastructure Australia, which listed this project, as part of rail connectivity of the Port of Port Kembla, as a Priority Initiative in its February 2019 update.⁴⁰





Another key freight and passenger connection in the region is the Princes Highway, which runs through the Illawarra and into Victoria. The South East Australian Transport Strategy (SEATS) group has advocated for many years to have the highway raised to dual-carriage way standard. Substantial work has been done south of Nowra and to the Jervis Bay area in recent years. The Australian Government (in partnership with the NSW, Victorian and South Australian governments) is preparing a corridor plan for the Princes Highway, including releasing an issues paper in early 2019.⁴¹

Most recently, the current NSW Government has committed \$1 billion to the Princes Highway on the NSW South Coast which will cover converting a 20km section between Sussex Inlet and Jervis Bay to dual-carriage way and by-passes for Milton and Ulladulla.

The soon to be opened \$150 million Shell Cove Marina is a major piece of tourism infrastructure that could deliver region-wide benefits if encouraged to grow. When completed, it will create around 3,000 prime residential lots, a 300 berth marina constructed within an in-shore boat harbour, an 18-hole championship-standard golf course, community parks and playgrounds, cycleways, and a range of quality commercial, retail, tourist, community and recreational facilities.

In summary, all these transport projects, linking Wollongong and the broader region with opportunities in Greater Sydney and regional NSW, have the potential to be major game changers for job creation in Wollongong and should continue to be a major focus of advocacy for Council in its civic leadership role.



2. Western Sydney Aerotropolis

The new Western Sydney Aerotropolis presents a significant opportunity for the Wollongong economy. It will provide support for an estimated 200,000 new jobs and establish a new high-skill jobs hub across aerospace and defence, manufacturing, healthcare, freight and logistics, agribusiness, education and research industries.

There will be direct opportunities for Wollongong-based businesses during the construction phase of the airport and the Aerotropolis over the next decade. Once operational, Wollongong-based businesses could continue to service the airport and those operating out of the Aerotropolis. There will also be opportunities for UOW to engage in the educational components of the new city (see case study). The emergence of this new city in Western Sydney provides further evidence why enhanced connectivity between Wollongong and Western Sydney is critical.

The 360 Illawarra Shoalhaven Economic Outlook⁴² notes that the Western Sydney Airport will provide long term economic and employment opportunities and accelerate the development of critical infrastructure and urban development. Industries in freight, logistics, tourism and construction services are set to significantly benefit from the development.

Wollongong will need to take active steps to capitalise on this game-changing opportunity, recognising that options to improve road and rail connectivity between the two areas will be essential to allow the region to capitalise on this development and open it up to a new market.



Case study: UOW joins 'Super Campus'

UOW will join the University of Newcastle, the University of NSW and Western Sydney University to develop a combined 'Multiversity' at the new aerotropolis in Western Sydney.

The four universities will create one campus that has a focus on science, technology, engineering and mathematics (STEM) education.

Stage 1 of the development is expected to be completed around the time the airport opens in 2026.

3. Increase office capacity in city centre

The Property Council found that there is currently a shortage of office space in the city centre. The vacancy rate for A-grade is 1.4%.⁴³

Office space that is available is often low grade and in buildings that, for a variety of reasons, are not being upgraded or improved. This limits the options for businesses to expand or start-up and places a constraint on job creation in the city centre.

Looking ahead, there is a current pipeline of projects, with 70,000 sqm of DA approved commercial space in the city centre, including the four largest office developments representing over 30,000 sqm in A-grade office space. These could come on line within the next 24 months.

The future capacity of Wollongong city centre is currently being examined by Wollongong City Council via a project looking specifically at the future planning needs of the city centre. Preliminary findings from this project suggest at least 120,000 sqm of new office space will be needed by 2036 to accommodate future employment demand. That is, four times the capacity of the new buildings currently under construction.

The role of Metro Wollongong as a key employment precinct, as outlined earlier in this Strategy, is likely to continue into the future. Currently, Metro Wollongong accounts for 29% of employment in the LGA.⁴⁴ The sectors this Strategy is targeting for the future are also likely to be located in and around the city centre, again highlighting the importance of future strategic planning decisions to ensure there is sufficient office space in the

city centre to accommodate new jobs.

A significant game-changer for Wollongong would be if the current investments in office space were followed by further major developments. This would mean existing businesses could easily find bigger premises to grow and new businesses would have no concerns about finding a suitable location.

**Wollongong's
future office needs**

The Illawarra Shoalhaven Regional Strategy identifies the need for more office space in the Wollongong CBD.

Action Item 1.1.1 notes:

“More high-quality office space is needed in the commercial core to build Metro Wollongong’s reputation as a nationally significant city and as a location to do business – one that can capitalise on its proximity to global markets in Sydney and an increasing number of skilled workers. The priority is to make more high-quality office space available and increase the quality of public spaces in the commercial core so that it becomes more attractive for investment and a place to do business.”



4. Develop unused and underutilised employment lands

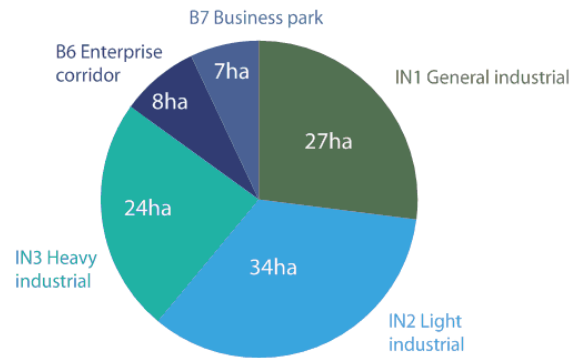
The NSW Government’s Illawarra Shoalhaven Regional Plan notes the importance of developing vacant employment lands.⁴⁵ It states;

“The growth of Port Kembla is driving demand from port related industries for large industrial land sites and warehousing facilities, such as new logistics and freight handling facilities at Kembla Grange. Demand is expected to continue as the development plans for the outer harbour precinct are realised and the port opens up to containerised trade.”

Development of these employment lands, which are largely privately owned, represent a significant opportunity for the region’s manufacturing industry. Wollongong City Council regularly receives interest from manufacturers located in Southern & Western Sydney who are being squeezed out by demand for rezoning of industrial land to residential land.

Those looking for larger parcels, in particular, are unable to be assisted based on the current supply of serviceable industrial land. This inability to provide suitable land for new businesses represents a lost employment and investment opportunity in Wollongong.

According to the NSW Government⁴⁶, there is currently 282 hectares of undeveloped employment land zoned in the Wollongong LGA of which 85% or just over 239 hectares is zoned industrial, with the remaining reserved as enterprise corridor/business park (see Fig 14). The majority of this land is around the Port of Port Kembla, Unanderra and West Dapto.



Source: NSW Department of Planning and Environment 2018, Employment Land Supply Monitor, Illawarra-Shoalhaven Region

*NB -there is a small proportion of employment land zoned Special Purpose (SP1) that has been left out of the above figure due to insignificance

Fig 14: Undeveloped employment land, 2018, Wollongong LGA

Work is currently being undertaken by the NSW Government, working with the private land owner, around the identification of potential surplus sites.

An audit⁴⁷ in 2014 found that sewer services are not provided to 67% of vacant industrial land. Potable water is not provided to 42% of vacant industrial land. Electricity is not provided to 22% of vacant industrial land. Releasing and servicing these lands would be a significant game-changer for local manufacturers in particular.



5. Attract more major events and tourism infrastructure

Major Events

Hosting more, and higher profile, major cultural and sporting events would deliver both short and long-term benefits to Wollongong.

The direct short-term benefit is the economic impact of visitors to the event who spend on accommodation, activities and hospitality. This provides an immediate, but short-term, injection of economic activity across a range of businesses including accommodation, restaurants and transport.

Major events also provide longer-lasting benefits. They showcase the city to a new audience and provide invaluable publicity. For Wollongong, hosting major events plays a significant role in changing external perceptions about the city.

Events such as surf lifesaving's Ocean 6 series have proven to be an effective way of showcasing the city to the world, with the 2018 edition beamed into 1.7 million households across the world according to Destination Wollongong. Similarly, social media exposure is also crucial to changing perceptions about Wollongong. According to data compiled by Destination Wollongong, the Corona Sunsets music festival held on Wollongong's North Beach in late 2018 directly resulted in an estimated \$1.9 million in tourism spending but, more importantly, it was beamed to the world on a ten-hour live stream, viewed by an estimated 500 million people.⁴⁸

The future focus on major events is outlined in Destination Wollongong's Major Events Strategy 2016-2020. This document outlines the organisation's intention to attract a 'pyramid' (see Fig 15) of events each year – ranging from 1-2 signature events through to unlimited numbers of community based events.

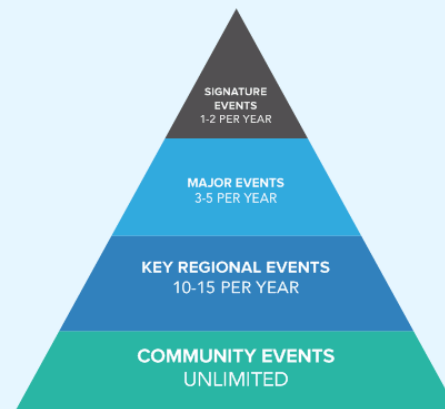


Fig 15: Destination Wollongong's events pyramid

Business-related events, or events that attract significant numbers of senior business executives, also support the focus of Advantage Wollongong. The right type of event can encourage visiting business owners to reconsider Wollongong as a place to establish a business. However, the lack of a dedicated Convention Centre in Wollongong is a major inhibitor to attracting business events (see case study on next page).

Case study: UCI World Road Cycling

Wollongong has been awarded the UCI Road World Championships in late 2022. The week-long festival of cycling will encompass more than 1000 of the world's best cyclists racing across Under 19, Under 23 and Elite categories for the coveted rainbow jerseys in the individual time trial, road race and mixed team relay.

The event is expected to attract 300,000 spectators, 500 media outlets and a global viewing audience in excess of 200 million people and directly deliver up to \$100 million in tourism spending.

In addition to the week-long event in 2022, being host also includes multiple warm-up events and team training camps leading up to 2022 and being designated a world cycling city for the three years after the event.

Case study: Wollongong Convention and Entertainment Centre

In March 2017 MacroPlanDimasi were commissioned (by Wollongong City Council, RDA Illawarra, Destination Wollongong and the NSW Dept of Industry) to undertake a market assessment, economic impact assessment and benefit-cost assessment of an upgrade to the current entertainment centre facilities.

The report considered a \$60.4 million upgrade which included two new levels of 1600sqm of function rooms, a 1,000sqm sky deck, a café, environmental improvements, upgraded back-of-house facilities, major building construction works and a new AV system.

This report demonstrated a strong case for the upgrade. MacroPlanDimasi concluded that: Having regard for the low project cost, conservative methodology, the strong cost benefit ratio of 2.6 to 1, the extraordinarily strong competitive advantages of the project and the broad economic, social and cultural penetration of the project outcomes that this project should be funded.⁴⁹



Tourism infrastructure

Wollongong needs to invest in its tourism infrastructure if it is to build on the impact of major events and expand its tourism industry. This includes investment in additional beds and new attractions.

Destination Wollongong estimates that Wollongong currently has around 2,000 beds available each night (within 30 mins of the CBD). However, Destination Wollongong is concerned about the imminent loss of 150 beds and the loss of up to 400 beds over the next 5 years. Destination Wollongong has raised its concerns about this situation and the need for a Tourism Lands Review.

Destination Wollongong is building on Wollongong's marine-related tourism credentials by establishing the Cruise Wollongong initiative. This focusses on attracting cruise ships to the city.

The NSW Government's Cruise Development Plan recognised that while Sydney will remain the preferred cruise port for the State, a network of smaller regional ports is also needed to maximise the benefit of the industry to the State economy. This includes Port Kembla, which can be used as a transit port, but would benefit from infrastructure to support cruise visit calls to welcome and process passengers.⁵⁰

Another key infrastructure asset of the city is the Wollongong Entertainment Centre (WEC). This



venue has a maximum capacity of 6,000 with flexible configurations that can host various events, including concerts, dinners, seminars, conferences, school formals and exhibitions. It is also home to the NBL team, the Illawarra Hawks. Venues NSW is currently developing a Master Plan for the venue which will provide a blueprint for potential uses and investment into the future (see case study.)

In summary, the attraction of major events and major tourism infrastructure investment would be a game-changer for the local tourism industry and has the potential to deliver benefits throughout the broader economy via improved perceptions about Wollongong.

6. Australian Industrial Energy Gas Terminal

Australia's first Liquefied Natural Gas (LNG) terminal with Australian Industrial Energy (AIE) Group has recently received development consent to build a \$250 million floating import terminal at Port Kembla. The Port Kembla Gas Terminal will, in its first phase, supply around 100 petajoules of natural gas per annum to gas users - equivalent to approximately 75% of NSW's total gas needs.

Advantage Wollongong and local business groups worked closely with AIE Group leading up to the announcement and subsequently the project has strong support from the broader business community.

This project was recently declared Critical State Significant Infrastructure by the NSW Government, which will assist in fast tracking the approval process. In terms of direct benefits, the proponents of the project estimate it will create around 130 to 150 jobs during construction and between 40 to 50 ongoing roles during operations. Such a facility would act as a major attractor for advanced manufacturing businesses, many of which are gas intensive operations.

Wollongong was one of three NSW industrial ports considered for the location of the LNG gas terminal. In choosing Wollongong, AIE Group acknowledged strong local support for the project, access to existing pipeline infrastructure, Port Kembla's berth configurations and the proximity of large industrial consumers as key factors in choosing Wollongong.

7. City centre university campus

International trends have been to locate universities into downtown areas to capitalise on the proximity benefits of placing students near the business community that will employ them as graduates.

University campuses have the capacity to act as catalysts for business growth, particularly when located in a city centre alongside the businesses who are potential future employers and research collaborators.

A 2017 study by the Property Council of Australia⁵¹, looking specifically at the option of locating a CBD campus in Darwin, a featured case study highlighted the benefits that flowed to Newcastle when it built a CBD campus (see case study). It is still too early to directly measure the benefits of the CBD campus decision but the report noted commercial vacancy rates have fallen to 4% from 20% in 2008 and building approvals in the CBD have risen from \$73 million in 2013-2014 to \$289 million in 2015-2016.

Currently, Wollongong's only university campus is located 5km to the north of Wollongong's city centre. The benefits of a city centre campus are already recognised by the UOW, which has recently undertaken a CBD-campus project in Liverpool.

A city centre campus would play a critical role in adding to the ongoing revitalising of the city centre in terms of encouraging students to live in the city and enjoy the high levels of amenity city-based living can offer.

The UOW already recognises the role of international campuses to a university, with its own two international campuses. The presence of multiple university campuses in the city centre would also aid in improving the external perception of Wollongong and reinforce the key messages of Advantage Wollongong around the areas skilled workforce.



Case study: CBD university campuses in Newcastle

Newcastle University recently opened NeW Space, a \$95 million landmark education precinct in the heart of Newcastle's CBD. NeW Space harnesses the latest in technology and innovation in teaching and learning to deliver a world-class student experience by engaging students in new and exciting ways.

The precinct is also home to the Conservatorium of Music, the Newcastle Legal Centre and the Newcastle Graduate School of Business. The city campus provides opportunities to strengthen relations with the business community and increases the number of opportunities for students to integrate their studies with work placements.

Newcastle has also attracted an international university, with Japan's Nihon University purchasing an old court house facility in late 2017 to be used to initially support around 200 law students. This site is still being refurbished.

Based on the success of this project, the Greater Newcastle Metropolitan Plan 2036 has set a target for four university campuses in Greater Newcastle by 2036.



8. Port Kembla Container Terminal

The Port of Port Kembla is a significant economic asset for Wollongong and the broader Illawarra. It contributes \$760 million per year to the NSW economy and supports 5,200 jobs.⁵² The NSW Government's Freight and Ports Plan 2018-2023 describes the Port of Port Kembla as:

NSW's largest terminal for vehicle imports and grain exports, and the second largest terminal for coal exports. Port Kembla has been identified as the location for the development of a future container terminal to augment capacity of Port Botany when required.⁵³

The NSW Government's commitment to the Port of Port Kembla was recently renewed against the backdrop of emerging pressure from the Port of Newcastle to promote it to be the State's next container port. The role of the Port of Port Kembla as the second container port was also reiterated in a February 2019 KPMG report, Quay Conclusions.

This report found that⁵⁴:

- Port Kembla offers the lowest overall costs and highest overall benefits for an additional container port.
- Port Kembla's proximity to the population and employment growth areas in Greater Western Sydney and South Western Sydney enhance its attractiveness as a second container port, when required.
- Port Kembla is circa half the distance relative to Newcastle from the five largest container consumption areas in 2046, as projected by Transport for NSW – which all reside in Western and South Western Sydney.

The report put the timeframe around the need for the second container port at 2046.

The private operator of Port Kembla (which also operates Port Botany) noted in its 30-year Master Plan⁵⁵ that:

"When completed, Port Kembla's Outer Harbour Development will cater for NSW's future container trade volumes. Planned for operation once Port Botany nears capacity, the Outer Harbour Development may be completed sooner if an operator wishes to develop a container terminal at Port Kembla prior to this time."

The joint ownership of Port Botany and Port Kembla also positions the local operation well as a future container port once Port Botany has reached capacity.

Any further expansion at both Port Botany and Port Kembla will require substantial investment in transport infrastructure which has not yet been committed to by any level of government.

Prior to the 2045 timeframe, there is an opportunity for Port Kembla to expand its operations in non-container businesses, for example around bulk exports including building materials such as gypsum and concrete.



9. Further evolving as a Smart City

A key part of future planning is around making the city a place that integrates technology with lifestyle benefits to deliver a great place to live. That is, using data to make better, smarter decisions about the future direction of Wollongong.

Smart Cities use technology (eg sensors, devices) to collect and analyse data (eg big data) and deliver improved asset management outcomes (eg Internet of Things) for the benefit of their residents (eg reduce congestion, reduce water waste, lift citizen engagement). This combination of technology, data and management will deliver high liveability outcomes, creating the types of cities people want to live in.

Smart Cities not only deliver positive outcomes for residents but they also allow local governments to do more with their scarce resources. For example, parking management can be done using a combination of apps to pay parking fees and sensors to monitor car rotations. This allows parking rangers to have better data around problem areas and target specific spots, rather than the traditional approach of physically circulating the city.

Smart Cities are also highly collaborative, with partnerships between residents, businesses and local government needed to deliver projects that have a meaningful positive impact.

Wollongong needs to ensure it is not left behind and fast-track the delivery of the six pillars outlined in the Illawarra-Shoalhaven Smart Region Strategy (see Case Study). Some Australian cities are already implementing these Smart City strategies – such as Brisbane (see Case Study over page) and Adelaide.

Case study: Illawarra Shoalhaven Smart Region Strategy

The Illawarra Shoalhaven Joint Organisation, RDA Illawarra and RDA Shoalhaven have recognised the significant opportunities that can be reaped by joining forces to embark on a journey to become a smart region. Facing increased citizen expectations and constrained budgets, all four councils are seeking to leverage Smart technology such as Internet of Things sensors and digital connectivity to address pressing challenges, compete on national and global stages, and ultimately deliver a superior experience for citizens and visitors alike.

The Smart Region Strategy⁵⁶, released in 2018, is based around six pillars that each council will then take and adapt to their own needs and capabilities.

1. Smart Economy
2. Smart Mobility
3. Smart Living
4. Smart Governance
5. Smart Environment
6. Smart Community

As part of this program Wollongong City Council and SMART have been successful at securing a Smart Cities and Suburbs Federal Government grant (\$0.5 million) to establish a flood management system to help improve outcomes for residents during major storm events. The project involves placing sensors across the storm-water system to detect flooding risks in times of heavy rain. These risks can then be quickly attended to, thus reducing the damage to public and private landowners.



Case study: Smart, Connected Brisbane

The City of Brisbane has embraced the Smart City concept and it now underpins its Brisbane Vision 2031 – the city’s plan for the future. The vision is a combination of six components.

- Efficient Digital technologies are employed to make activities efficient and effective.
- Personalised People have a personalised human, experience within the city.
- Inclusive Everyone has the chance to get involved, be empowered and participate in city life.
- Prosperous Smart, connected thinking leads to prosperity and economic opportunities.
- Insightful Analytics creates insight that enables data-driven decision making.
- Transparent Open shared data and collaboration creates an environment of trust and innovation within the city.

Using this framework, Brisbane City Council is now developing multiple key projects that deliver on this vision. These include;

- **Brisbane Innovate** - Council’s annual open innovation event, bringing together private industry, academia, local start-ups and the community to generate ideas to solve citywide challenges.
- **Brisbane Metro** - will boost the capacity of the busway network to carry up to 22,000 people per hour ensuring the wider bus network has the capacity to meet current and future transport demands.
- **Emergency Vehicle Priority (EVP) system** - detects oncoming emergency vehicles and gives them priority through an intersection with a green light.
- **Open Data** - Brisbane City Council releases open data free of charge to encourage third parties to develop apps, websites and tools that can benefit Brisbane residents and business.
- **Smart watering** - water monitoring devices digitally linked to weather stations and installed to monitor and report water flow, usage trends and environmental data, enabling clubs to better manage their water usage on sports fields and improve their playing surfaces.
- **Food truck website** - an interactive map enabling food lovers to locate their favourite gourmet food truck, find out what’s on the menu and check operating hours.
- **Free WiFi** - residents and visitors to stay connected as they move around many parks and public spaces across the city, as well as the Central Business District, major shopping malls, libraries, Mt Coot-Tha Summit Lookout and on CityCats.

10. Improving the effectiveness of our advocacy

Wollongong has many stakeholder representative groups, covering business, government, institutions and the community sector. These groups work together, and with local MPs from both State and Federal Parliaments across the political spectrum. There is regular collaboration on projects to advance the cause of Wollongong in terms of attracting public and private investment. Despite an abundance of good will and effort in this collaboration, we have not been as effective as other cities or regions, such as Geelong, when it comes to securing government funding for major projects.

For example, the Maldon-Dombarton freight/SWIRL project has been a focus of concerted local advocacy

since work halted on the line in 1988. Yet it is still only listed as 'for investigation in the next 10-20 years in Transport 2056. The Restart NSW fund is another example of the Illawarra not being as effective at arguing for an equitable share of funds (see case study).

Other cities or regions are placing considerable time and money into fostering relationships in Sydney and Canberra to ensure projects are pushed up priority lists, for example Geelong (see case study) and Newcastle. This Strategy represents an opportunity for Council to learn from other regions and contribute to lifting the effectiveness of our region-wide advocacy efforts.

Case study: Wollongong Regional Status?

Wollongong is not a region according to the NSW government and so is excluded from all but one of the six Regional Growth Fund programs (except Resources for Regions) and must compete against the large pool of Sydney and Newcastle Councils for Restart NSW funds.

This regional/metro classification problem also means the Illawarra is unable to collectively apply for funding for major projects because either Wollongong is not

permitted to be an applicant or, for metro-based funding, the other councils are not permitted to be applicants.

Illawarra Business Chamber analysis found the classification approach resulted in just 0.22% of the revenue flowing from the sale of NSW public assets had flowed to Wollongong – compared to the 2% share of the NSW economy represented by the LGA.



Case study:

Effective advocacy models: G21 - Geelong Regional Alliance

G21 - Geelong Regional Alliance is a forum that brings together five local councils with business and community leaders. Like Wollongong, Geelong has in recent years experienced a similar level of impact from job losses in manufacturing. But through organisations such as G21, Geelong has been able to attract State and Federal Government support to counteract some of these job losses.

Since its inception in 2001 the Alliance has proven to be an effective advocate for the region, culminating in helping to secure a Geelong City Deal in 2018. This is expected to deliver millions of dollars in investment from both the Victorian and Australian Governments which will drive growth and employment.

Other successes include attracting the Transport Accident Commission (650 jobs), WorkSafe Victoria (700 jobs) and the NDIS (500 jobs).

More broadly, Geelong has secured a \$355m City Deal – a partnership between all three levels of government which will see major investment in the city, including \$170m for a new convention centre.

In the 2019/2020 Federal Budget, Geelong received \$2 billion for a faster rail connection to Melbourne.





Council Policy Levers

In developing this Strategy we asked a broad range of stakeholders about the actions they thought Council could take to lift local job creation. These consultations, together with the development of the jobs target and extensive research into best practice policy, resulted in the development of a list of actions Council will undertake as part of its contribution to the 10,500 jobs in a decade target.

We have grouped these actions into seven broad categories.

1. Civic leadership
2. Business attraction
3. Knowledge hub
4. Infrastructure
5. Planning
6. Business support
7. Procurement

1. Civic Leadership

Leadership and advocacy are important roles of local councils, who can develop, communicate and implement a vision for the future of the city. Wollongong City's Lord Mayor and Councillors are the public voices of the city, representing the local community both nationally and internationally. Council also collaborates with political representatives and bureaucrats from other levels of government, securing external funding, delivering jointly funded projects and undertaking strategic planning.

An important part of Council's advocacy role is contributing to regional-level groups and facilitating joint projects. For example, the City of Wollongong Lord Mayor is the Chair of the Illawarra Shoalhaven Joint Organisation (ISJO), a collaboration of local governments which provides a cohesive advocacy platform for the region to speak to other levels of government.

Council regularly works with other stakeholders involved in economic development in Wollongong including industry, business and community groups and local State and Federal elected representatives. Collaborating with these partners serves the dual purposes of pooling scarce financial and time resources towards a common goal and presenting a unified voice from the region. This collaboration includes joint submissions, reports and representations to other levels of government and businesses outside the region.

As the voice of Wollongong, Council can clearly influence, via its civic leadership, economic outcomes and job opportunities for local residents.

2. Business Attraction

Councils have an important role in promoting their city outside the region as a desirable place to live, work and play. The importance of business attraction has been recognised by the current Council, which has this as one of its five Councillor priorities. This commitment is reflected in the additional \$600,000 investment made by Council over 3 years in the activities of Advantage Wollongong.

Business attraction includes taking a proactive approach to marketing the region as a place to invest, providing business marketing material and information about the city and supporting Wollongong's visitor economy. Council supports both Advantage Wollongong and Destination Wollongong.

Advantage Wollongong

Advantage Wollongong is a partnership between Wollongong City Council, UOW and the NSW Department of Premier and Cabinet. The partnership has a long term, strategic approach to creating sustainable new jobs and productive investment for Wollongong achieved through the facilitation of significant new business investment projects. Advantage Wollongong focusses on attracting new businesses by promoting Wollongong as a superior business location in key growth sectors and has developed a range of promotional resources and activities, aligned to the target sectors.

Advantage Wollongong has been promoting Wollongong as a superior business location since 2009. It is recognised as a best practice approach to business and investment attraction and has generated significant momentum over the past decade. Advantage Wollongong focusses on changing perceptions and attracting new businesses.

A major win for Advantage Wollongong was the decision by global IT giant NEC choosing to set up their new corporate headquarters in Wollongong (See case study on page 63).

Wollongong has several key advantages that make it a superior business location.

1. Large talent pool
2. Vibrant coastal lifestyle
3. Enhanced work-life balance
4. Supportive business environment
5. Proximity to Sydney, just 1 hour south
6. Industry-focussed global University

Advantage Wollongong has developed tailored sector strategies and promotes the following seven key growth industries.

1. Professional services
2. Financial services
3. Tech (see NEC case study page 65)
4. Advanced manufacturing
5. Defence
6. Health & wellbeing
7. Scale-ups.

These future-proof sectors generate important external income for the region. The targeted sectors are also broadly consistent with the work done by .id on this Strategy to identify the potential for high-skills/high income jobs out to 2028.



Case study: Advantage Wollongong Success Story: NEC Australia

After a thorough investigation of options, NEC Australia, a leading Australian ICT solutions and services firm chose to locate its newest corporate office and support centre in Wollongong in 2017. Today it employs 140 staff, up from 70 initially.

NEC Australia was impressed with the quality of the workforce in Wollongong and tapped into the many experienced senior IT professionals and executives located within the region along with the UOW IT Graduate Pool.

Wollongong has provided NEC with the opportunity to develop strong links with the local and business community. Being located in Wollongong also provided staff with access to greater work-life benefits, the cosmopolitan city centre, a reduction in commuting times, and significantly lower staff turnover.

Destination Wollongong

Destination Wollongong is charged with delivering visitor economy growth by positioning Wollongong and the surrounds as a premier tourism, events and conference destination. In 2016, Council entered into a five year funding agreement with Destination Wollongong.

In 2018, the Wollongong LGA welcomed around 3.6 million overnight and day trip visitors. The tourism industry⁵⁷ is estimated to support a total of around 2,800 local jobs or 3% of Wollongong's local workforce.

A key focus of Destination Wollongong has been the attraction of major events. According to Destination Wollongong major events tourism resulted in an estimated \$53 million in spending in 2017-2018 from 31 events. This resulted in a Return on Investment (ROI) of \$162 for every \$1 spent on attracting events to the city.⁵⁸ The types of events Destination Wollongong targets cover sport, adventure, the arts, innovation, food & beverage and motoring. Events held in 2018 included Elton John, Cher, Wigan Warriors and Yours & Ows. Wollongong has also recently secured the hosting rights to the prestigious 2022 UCI Road World Championships, which will attract 1,000 competitors and 300,000 spectators to Wollongong.

'Blue tourism' is also increasing in importance to Wollongong as the city takes advantage of its coastal location. Over the last two years, Wollongong has had six cruise ship visits. According to Destination Wollongong, this resulted in over \$3 million worth of regional economic benefits and 17,000 visitors to our city.



3. Knowledge Hub

Council's Economic Development team is dedicated to promoting Wollongong as open for business. The team looks to support sustainable economic growth for the Wollongong economy, through supporting business expansion and attracting investment.

As the first point of contact for businesses looking to establish, grow or re-locate to Wollongong, the Economic Development team assists with general business and investment enquiries, facilitates discussions with internal and external stakeholders and undertakes economic impact modelling.

Information on Wollongong's economy is available through [.id](#) which includes access to the latest economic data about the city on Wollongong City Council's website.

4. Infrastructure

Council is a major investors in the city through their capital work programs. In turn, these investments in public space encourage and facilitate private investment in the city.

Wollongong City Council is the custodian of infrastructure, property, plant and equipment assets valued at approximately \$2.57 billion on behalf of the community. During 2017-2018, Council delivered a capital works program worth \$95.9 million, completing, commencing and working on 650 projects across the local government area. This includes \$56.4 million on renewing and replacing existing ageing assets, and \$39.4 million on upgrading or constructing and purchasing new assets.⁵⁹

Major projects

Since 2012, Wollongong City Council has invested over \$30 million in upgrading the Wollongong city centre's infrastructure. The announcement by GPT group, post the global financial crisis in 2008, that it would be investing \$200 million in the Wollongong city centre was a significant turning point for Wollongong. This announcement was the impetus for change, as it signalled to the market that a large publicly listed company was willing to invest significantly in Wollongong.

Wollongong City Council invested \$20 million for the refurbishment of the Crown Street Mall, along with a substantial renewal of the city centre footpaths and street-scaping. This included public art projects in the city centre and the rollout of different activation activities to draw people into the city centre. Weekly markets are now held in the city centre, including the Thursday night Eat Street Markets and the Friday Foragers Market.

In addition, Council invested \$40 million in upgrading the Blue Mile foreshore area between the entertainment precinct and Stuart Park.

Wollongong City Council administered the Crown Street and Inner City Building Façade Rejuvenation Program to improve the public domain. The program resulted in a \$1.5 million total investment - including \$900,000 by the private sector and \$600,000 by Council. The project was completed in September 2015, resulting in 38 façade rejuvenation projects, including 9 heritage listed buildings. Free WiFi was also rolled out along key pedestrian routes within the city centre in 2013.



'Incubator' infrastructure

Council provides infrastructure that directly assists sole traders and small business in their early stages of development, when the cost of renting a premises is prohibitively high. For example, Council libraries (in particular Thirroul library) are used by small businesses and commuters as basic co-working spaces. Council also hires out its community spaces to a range of users including some small creative-based businesses (eg dance, drama and art groups). Some of these expand to

the extent that they can move into larger, commercial rental spaces.

Council supports the expansion of more co-working space, particularly given the large commuter pool and for micro and small businesses establishing themselves in Wollongong. This could be either through the encouragement of new co-working spaces or directly investing in co-working spaces (see case study).

Case study:

NSW Smart work hubs (SWH) Pilot Program

In 2015, the NSW Government supported the establishment of five smart work hubs (SWH) as part of its SWH Pilot Program. The five pilot locations were: Rouse Hill, Oran Park, Wyong, Penrith and Gosford. The program was successfully completed in 2016 and involved 478 overall users.

An evaluation of the success of the program in 2017, aimed at building evidence around demand, operating models and potential benefits. Key findings of the research were:

Demand

- There are a range of potential users, including individuals, micro businesses and SMEs
- Surveys of actual usage by individuals showed they accessed the hub once or twice per week, which would not have been enough demand alone to sustain the hub.
- However, additional demand from SMEs and micro-businesses provided promising emerging demand.

Benefits

- Hub users reported expected and actual time and cost savings as a result of hub usage, spending on average 27.7 minutes and 41.3 kilometres less commuting per day. This translated to improved health and well-being benefits for the participants.
- Users reported new opportunities for networking and collaboration.
- Increased labour force participation was also identified.
- Interviews with hub operators indicated that additional employer benefits could be realised in the longer term through business savings in direct and indirect real estate costs.

Summary

Findings showed clear benefits, emerging demand and basic characteristics of a sound SWH operating model.

Fitzgerald, M., Malik, A., and Rosenberger III, P. J (2017) NSW Smart Work Hub Pilot Program: Final Report

Leveraging Council's own assets

One of the issues raised in consultations was around the potential for council to leverage its own asset base and invest in new commercial assets for the broader benefit of the city. This would potentially encourage further private investment in commercial space in the city centre. There are many examples of Councils around NSW and Australia currently undertaking similar strategies. One such example is Liverpool Council which is currently undertaking such a project (see case study).



Case study:

Council-led Liverpool CBD regeneration

As major investors, councils have the opportunity to use their investments strategically to regenerate areas and increase the provision of commercial space.

Liverpool City Council was to leverage their asset ownership in the CBD to deliver additional office capacity and drive the regeneration of the CBD area.

The new Civic Place project, worth a total of \$300 million, will provide a mixed-use development incorporating a combination of residential, commercial, retail, cultural, educational, hotel and dining functions. By partnering with a commercial developer and utilising State Government funding, the cost to Council of this project will be \$75 million.

Council works

- A new Liverpool City Centre Library; (2,800 sqm)
- New Council offices/Chambers (as part of a total of 13,000 sqm in commercial office space);
- University of Wollongong South Western Sydney campus;
- Council and Public Parking;
- A new and exciting Civic Plaza.

Developer works

- Residential apartments within two towers;
- Student accommodation – providing approximately 140 rooms;
- A 3.5 to 4 star hotel – providing approximately 140 rooms.

The old library building will be used for community facilities in the future. The old Council offices will either be sold or leased on the open market, delivering additional office space to the CBD. Proceeds of such a lease/sale will contribute towards the delivery and operation of Liverpool Civic Place.

5. Planning

The planning role of councils has a direct impact on jobs growth across the city. Planning covers a diversity of activities including the approval of individual development applications, high-level strategic planning around precincts and using zoning controls to protect important employment lands. The operation of the planning approval system also directly influences the capacity of the city to attract new investment and assure potential investors that projects can be delivered in a timely manner.

Planning was a major issue raised in the consultations both with businesses and investors in Wollongong. The need for greater dialogue between Council planners and investors/businesses was needed to ensure job-creating projects are progressed in a timely manner. In particular, there is an opportunity to build on the excellent work of Council's Small Business Planning team (see case study) and develop a model for improving the experience of major commercial developments that will deliver long-term benefits to the city and contribute directly to achieving the jobs target (see case study).

Case study: Small Business Planning team

Council's dedicated Small Business Planning team provides specialist advice to small businesses on navigating the development approvals and licencing process and also periodically hold free workshops on the topic. Navigating the planning system can be daunting for business owners, especially as they rarely have any expertise in this area.

In a recent example the team assisted a not-for-profit organisation, who noted:

"I cannot speak highly enough of the Small Business Team's assistance and excellent communication throughout my complicated DA process. It may have seemed a straightforward process for you, but to a novice like me, bumping into issues of zoning and traffic /parking issues, the Small Business Team's advice in how to navigate the process was invaluable. The Small Business Team's expertise and knowledge of the compliance requirements and his ability to "dumb it down" for a layperson was so appreciated."



6. Business Support and Development

Councils have an important role in supporting existing businesses to expand, upskill and grow. Wollongong City Council participates in a range of business support and business development activities.

Small Business Friendly Councils Program

Wollongong City Council joined the Small Business Friendly Council's Program in August 2015, demonstrating Council's commitment to supporting and building the capabilities of local businesses. The program includes several initiatives, which endeavour to eradicate red tape within local government across NSW.

Economic Gardening Program

Economic Gardening Illawarra is a business development program supported by Wollongong City Council, in partnership with Shellharbour and Kiama Councils.

The program focusses on helping local business operators to grow their enterprises by providing them with a package of professional business tools and assistance that is designed to help them fast-track the sustainable expansion of their business.

Since 2006, more than 500 businesses from a range of industry sectors have participated in the program. The program has helped Illawarra businesses increase turnover by more than \$40 million and created over 210 full time jobs⁶⁰. Many businesses have expanded operations locally, nationally and globally after participating in the program.

Support of business networks and local groups

Council supports local business networks, including i3net - a network of industry based Illawarra organisations who promote the collective capability of industry to local, national and international markets. Council recently entered into a new three year funding agreement with i3net and was a major sponsor of their annual showcase, held on 8-9 November 2018.

Council also works with the NSW Government's Business Connect program, which provides personalised advice to help businesses establish and/or grow. Council works with the Business Connect Bus, who provide subsidised face-to face business advice to town centres across the Wollongong LGA during the year.

Wollongong City Council is working with the start-up community, who are choosing to locate in Wollongong due to incubators such as iAccelerate, the liveability benefits of the city and the geographical flexibility available to digital businesses. These entrepreneurs have a less structured approach to collaboration than traditional businesses and have formed important networks across their community. They are more focussed on informal meet-ups and podcasts and require a different kind of business support to traditional models. As part of this engagement with the start-up/ scale-up community, Wollongong City Council has joined the iAccelerate program.

Workshops for business community

Wollongong City Council partners with other levels of government and local business groups to deliver workshops and seminars for businesses looking to learn new skills and grow their business.

Creative industries

The multiple ways in which Wollongong City Council supports creative industries is outlined in the *Creative Wollongong 2019-24 Strategy*, including specific programs such as *Renew Wollongong* and *Made in Wollongong*.



7. Operational procurement

Local councils are major purchasers of goods and services in the economy via extensive procurement programs. In 2017-2018 Council spent \$53.7 million on materials and contracts. This includes major contracts, such as waste management, road works, building, parks, cleaning and security.

The size of this spending is significant and provides an opportunity to directly support local businesses, presenting a significant opportunity to ensure that this capital spend and its associated multiplier effects are retained in the Wollongong LGA, to provide a boost for jobs, investment and local businesses.

Many state/territory governments and local councils around Australia have a local preference policy in place to support their local economies. There are a number of benefits from implementing such a policy, including:

- Retaining local government spend (and its expansive multiplier effects) within the local area;
- Supporting local businesses, employers and employees;
- Encouraging businesses to relocate/establish in the area;
- Creating jobs in the local area and helping reduce unemployment;
- Investing in the local community;
- Shorter supply chains and greater predictability of delivery times and lower cost; and
- Growing a prosperous economy and increasing Gross Regional Product.

Council has a current local procurement policy "Strengthening of Local Economic Capacity" for tenders (ie contracts over \$150,000) which include up to a 5% weighted criteria for all local suppliers.

The following five criteria must be considered in all tenders:

1. An existing legitimate business premises in WCC local area;
2. Locally sourced materials (grown, manufactured, assembled, made within the WCC local area) specific to the contract;
3. Locally sourced services as a result of the contract (eg maintenance);
4. Locally sourced labour (people domiciled within the WCC local area), either sub-contractors or employees; and
5. Locally sourced labour and materials from a business premise in the WCC local area.

An alternative approach has been taken by Gold Coast (see case study) which has had a significant positive impact on local businesses and now 80% of procurement spend is done with local suppliers.

One challenge in implementing a local procurement policy is ensuring that local businesses are aware of the opportunities and have the skills and accreditation to complete the tender process. There is an opportunity for Council to address these issues, alongside a review of the procurement policy, to maximise the uplift in local employment from Council's purchasing power.



Case study:

Gold Coast Council procurement policy

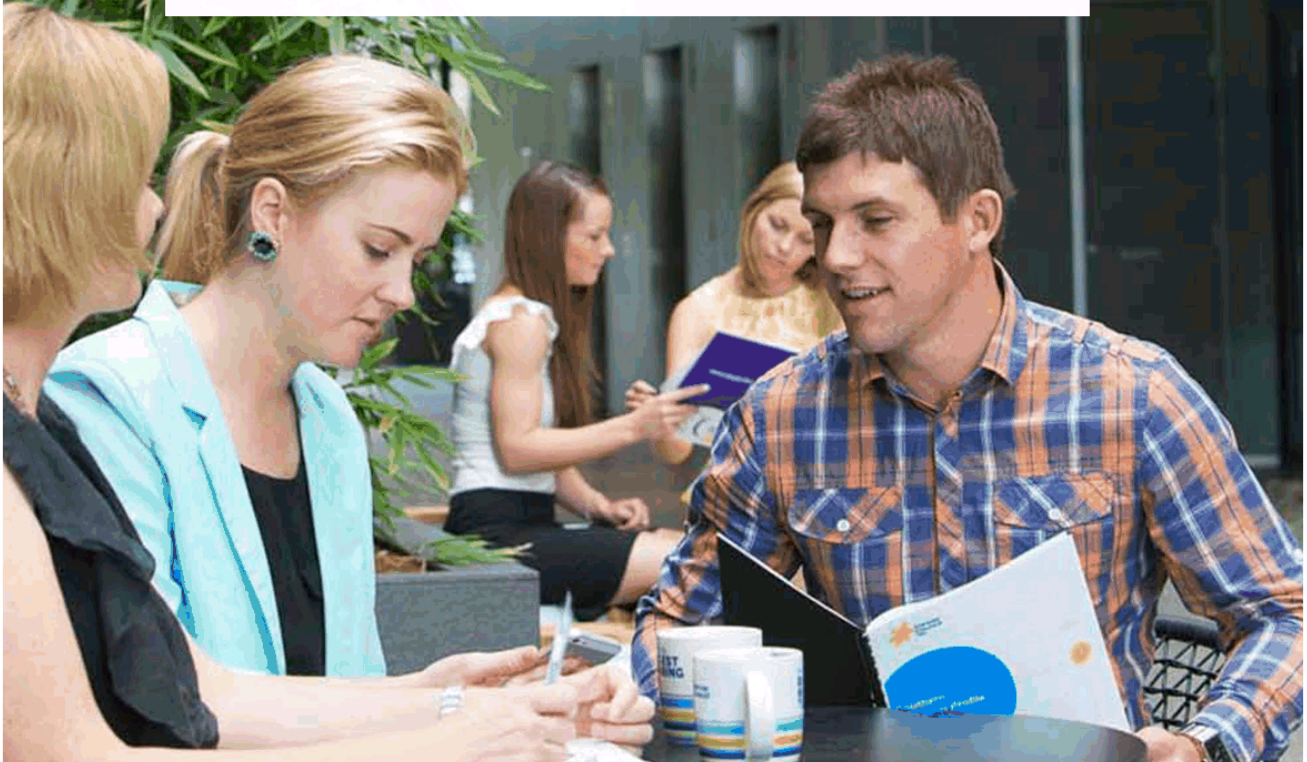
The City of Gold Coast developed an Economic Development Strategy 2013-23. In this Strategy Council set a target of 80% (from 50% initially) of procurement spend with local suppliers by 30 June 2017, which was achieved. This procurement policy helped the city fully capitalise on hosting the Commonwealth Games.

This policy resulted in approximately \$136 million additional spending directed to local businesses in 2016-2017 and \$340 million in the five years to June 2017.

This commitment is delivered by the 'Buy Local' Procurement Policy. The objective of this policy is to proactively support local business and industry to create jobs on the Gold Coast. Local procurement recognises and factors local supply in determining the winning offer through application of the 'buy local' preferential factors; local content weightings and local pricing advantage.

A major component of Council's buy local policy is the provision of a 15% pricing advantage to local suppliers for tenders under \$1,000,000 per annum, and 20% to 30% pricing advantage for quotations up to \$200,000.

In planning for this project, Council anticipated that it may result in a slight increase in its procurement costs and so established a fund to cover the anticipated extra costs. For 2016-17 the pricing advantage is capped at a total of \$250,000 but only \$31,888 was actually drawn down from this fund. In other words, the 'buy local' procurement program didn't cost the city what it expected to have to pay in extra procurement costs.





Part 3 Action Plan

This section of the Strategy outlines the key actions Council will take to achieve the jobs target, reduce the size of the commuter pool, lift median wages in Wollongong and retain a greater share of the graduating student population in the city. The Action Plan highlights the key actions, the delivery stream that will be responsible for the action and a timeframe around the delivery.

Wollongong City Council recognises that this Strategy cannot be delivered by Council alone. In order to deliver our goals we will need to partner with other levels of government, peak bodies and the broader business community.

The list of actions is derived from the research and analysis undertaken in Part 1 and Part 2 of this Strategy around the current economic position of Wollongong, the internal and external challenges and opportunities and best-practice lessons from other councils. Indeed, many of the action items have already been successfully implemented at other councils, presenting Wollongong with the opportunity to learn from others and tailor already successful programs for our city's needs.

1. Civic Leadership

Number	Draft Action Item	Delivery Stream	Short Term (1-3)	Medium Term (4-6)	Long Term (7-10)	BAU
1.1	Adopt an LGA-wide jobs target of 10,500 new jobs by 2028 and report progress against this target annually	- Economic Development				
1.2	Incorporate job impacts as part of supporting documents and projects that have employment implications	- All				
1.3	Focus on changing perceptions and attracting new business investment to Wollongong through Advantage Wollongong	- Economic Development				
1.4	Advocate for key transport projects that improve connectivity between Wollongong and Greater Sydney and support jobs growth and investment	- Economic Development - Infrastructure Strategic Planning				
1.5	Advocate for the retention and development of currently unused or underused industrial and urban services employment lands to support appropriate employment	- Economic Development - Infrastructure Strategic Planning - Land Use Planning				
1.6	Advocate for the port of Port Kembla as the second NSW container port as soon as possible	- Economic Development - Infrastructure Strategic Planning				
1.7	Advocate for the South West Illawarra Rail Line (SWIRL) to improve passenger and freight connections between Wollongong and SW Sydney	- Economic Development - Infrastructure Strategic Planning				
1.8	Advocate for new and existing NSW and Australian Government department or offices to be located in Wollongong	- Economic Development				
1.9	Investigate holding quarterly roundtable discussion between WCC General Manager and key business leaders and groups	- Economic Development				
1.10	Advocate for the establishment of a Wollongong city centre university campus	- Economic Development				
1.11	Work with ISJO and State government on initiatives that benefit employment outcomes	- Economic Development				
1.12	Advocate for the master planning process around Wollongong's Convention Centre/ Entertainment Centre complex	- Economic Development - Infrastructure Strategic Planning				
1.13	Work with Western Sydney counterparts and other levels of government to ensure Wollongong benefits from the Western Aerotropolis	- Economic Development				
1.14	Pursue a City Deal for Wollongong	- Economic Development				

2. Business Attraction

Number	Draft Action Item	Delivery Stream	Short Term (1-3)	Medium Term (4-6)	Long Term (7-10)	BAU
2.1	Support an ongoing strategic business attraction program via Advantage Wollongong	- Economic Development				
2.2	Develop a Wollongong place brand to increase exposure, consistency and brand reach across key economic development areas – Invest/Live/Visit/ Study	- Communications, Engagement, Events and Signage				
2.3	Develop and implement an Advantage Wollongong integrated marketing strategy targeting high value/ high income jobs in key sectors	- Economic Development				
2.4	Promote co-working facilities as a way for Wollongong resident staff to work for Sydney-based companies	- Economic Development - City Centre & Crown St Mall				
2.5	Develop and launch the Advantage Wollongong stakeholder program to leverage the existing networks of local businesses	- Economic Development				
2.6	Investigate famils, tours and delegations around Advantage Wollongong’s target sectors	- Economic Development				
2.7	Investigate future governance and management models for Advantage Wollongong	- Economic Development				
2.8	Facilitate business investment enquiries	- Economic Development				
2.9	Explore the re-introduction of a NSW government supported fund to assist new businesses seeking to establish in Wollongong	- Economic Development				

3. Knowledge Hub

Number	Draft Action Item	Delivery Stream	Short Term (1-3)	Medium Term (4-6)	Long Term (7-10)	BAU
3.1	Provide a 6-monthly update to local Councillors on the state of the local economy	- Economic Development				
3.2	Provide accurate and timely investment information such as economic, demographic and development information, and making this available to the community as a means of supporting business expansion/ investment decisions	- Economic Development				
3.3	Provide support for government submissions, modelling and policy advice for other business unit's funding applications	- Economic Development				
3.4	Promote libraries as learning centres and work spaces for business owners and their staff	- Library Services - Economic Development				
3.5	Undertake research into the negative individual and community impacts of commuting	- Economic Development				
3.6	Maintain current data on a range of types of commercial floorspace in the LGA including: significant enquiries; Development Applications; constructed projects; vacancy rates	- Economic Development - Development Assessment - Building Certification - Customer Service				

4. Infrastructure

Number	Draft Action Item	Delivery Stream	Short Term (1-3)	Medium Term (4-6)	Long Term (7-10)	BAU
4.1	Develop the business case for the installation of ultra-high-speed digital infrastructure in the Wollongong city centre to enable new digital economy businesses	- Economic Development - Technology Infrastructure Services - Infrastructure Strategic Planning - City Centre and Crown Street Mall				
4.2	Explore future opportunities in the Smart City space to improve Council's operating efficiency and delivery of services to the community	- Technology Infrastructure Services - Infrastructure Strategic Planning				
4.3	Develop local transport policies that ensure all residents can access employment opportunities in job centres such as Metro Wollongong	- Infrastructure Strategic Planning - Road Safety, Traffic and Transport Planning				
4.4	Investigate options for reducing car parking rates to assist commercial building feasibility in the city	- Infrastructure Strategic Planning - Road Safety, Traffic and Transport Planning				
4.5	Include recognition of the economic impact and job creation capacity of major infrastructure projects undertaken by Council	- Infrastructure Strategic Planning - Urban Renewal and Civic Improvement - City Centre and Crown Street Mall				
4.6	Provide infrastructure to support activities and improve amenity and activation within the Wollongong city centre	- Infrastructure Strategic Planning - City Centre and Crown Street Mall				
4.7	Establish digital way-finding, using information systems and data collection, to improve traffic flows and car parking utilisation in the city centre	- Road Safety, Traffic and Transport Planning - Infrastructure Strategic Planning - City Centre and Crown Street Mall - Economic Development				

5. Planning

Number	Draft Action Item	Delivery Stream	Short Term (1-3)	Medium Term (4-6)	Long Term (7-10)	BAU
5.1	Establish a mechanism to expedite significant employment generating projects, which involves input from multiple specialist teams across Council.	- Infrastructure Strategic Planning - Development Assessment - Economic Development				
5.2	Implement policies that support a mix of office development in the Wollongong city centre including new A-grade commercial buildings	- Infrastructure Strategic Planning - Land Use Planning				
5.3	Implement policies (via town and village plans) that support appropriate jobs generation in other (non-city centre) employment areas across the LGA	- Infrastructure Strategic Planning - Land Use Planning				
5.4	Develop a planning and policy framework to support the ongoing evolution of Wollongong's evening economy	- City Centre and Crown Street Mall - Cultural Development - Land Use Planning - Economic Development				
5.5	Undertake a Tourism Lands Review in order to investigate the use of tourism-specific zoning on key coastal sites to ensure the provision of sufficient beds in Wollongong to support a growing visitor economy	- Infrastructure Strategic Planning - Land Use Planning				
5.6	Conduct a survey of local investors every two years to obtain feedback on their business investment experience in the LGA	- Economic Development				
5.7	Establish an investment Industry Forum every 6 months where WCC can communicate strategic directions and gain market insights	- Development Assessment - Infrastructure Strategic Planning - Land Use Planning - Economic Development				

6. Business Support

Number	Draft Action Item	Delivery Stream	Short Term (1-3)	Medium Term (4-6)	Long Term (7-10)	BAU
6.1	Undertake regular dialogue/events/workshops with small business focussed on building capacity and entrepreneurship in partnership with business groups, local chambers, iAccelerate and Advantage SME	- Economic Development				
6.2	Implement the Small Business Friendly Council Program, including the 'Easy to do Business' program	- Economic Development - Development Assessment - Inspections, Education and Registrations - Customer Service Delivery				
6.3	Work with local chambers to establish a 'Buy Local' campaign to support businesses	- Economic Development				
6.4	Promote links between the University's research capabilities and local industry	- Economic Development				
6.5	Support local industry clusters and destination marketing activities	- Economic Development - Destination Wollongong				
6.6	Investigate partnerships and promotional opportunities to further develop and expand the Made in Wollongong brand and support its delivery	- Cultural Development - Economic Development				
6.7	Support the Renew Wollongong Program in the Wollongong City Centre	- City Centre and Crown St Mall				
6.8	Establish a 6-monthly economic development electronic newsletter to update local businesses on Council activities and projects	- Economic Development				
6.9	Investigate a review of city centre levies	- City Centre and Crown St Mall				

7. Procurement

Number	Draft Action Item	Delivery Stream	Short Term (1-3)	Medium Term (4-6)	Long Term (7-10)	BAU
7.1	Review Council's procurement of local goods and services to increase its role as a major lever for local job creation	- Economic Development - Supply Management				
7.2	Launch an annual procurement showcase event associated with the capital works program to assist local businesses with tendering opportunities	- Supply Management				
7.3	Support the inclusion of targeted groups in procurement programs	- Economic Development - Community Development - Supply Management				
7.4	Use Council's procurement policy to support new businesses which are developing innovative and sustainable building materials and techniques	- Supply Management				

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Glossary

DA – Development Application

DCP – Development Control Plan

FSR – Floor Space Ratio

GRP – Gross Regional Product - Headline GRP is a measure of size or net wealth generated by the local economy. Changes in this over time can represent changes in employment, productivity or the types of industries in the area.

IBC – Illawarra Business Chamber

ISJO – Illawarra Shoalhaven Joint Organisation

IRIS – Illawarra Regional Information Service

LEP – Local Environmental Plan

LGA – Local Government Area

NABERS – National Australian Built Environment Rating System

NIEIR – National Institute of Economic and Industry Research

R&D – Research and Development

SME – Small and Medium Enterprise

SWIRL – South West Illawarra Rail Line

Tourism – An amalgam of activities across various industry sectors

Value added by industry - An indicator of business productivity in Wollongong City. It shows how productive each industry sector is at increasing the value of its inputs. It is a more accurate measure of the productivity of an industry sector than output (total gross revenue), as some industries have high levels of output but require large amounts of input expenditure to achieve that.

Undeveloped land – Currently zoned land which was not occupied by an employment related use at the time of data collection

UOW – University of Wollongong

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ITEM 10

ATTENDANCE AT THE 2019 ASIA PACIFIC CITIES SUMMIT & MAYORS' FORUM IN BRISBANE

The 2019 Asia Pacific Cities Summit and Mayors' Forum will be held in Brisbane from 7 to 10 July 2019. This report provides details of the Forum and recommends the attendance of the Lord Mayor.

RECOMMENDATION

Council approve the attendance of the Lord Mayor at the 2019 Asia Pacific Cities Summit and Mayors' Forum in Brisbane from 7 to 10 July 2019.

REPORT AUTHORISATIONS

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

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

The 2019 Asia Pacific Cities Summit and Mayors' Forum (APCS) brings together government and business representatives to identify options for strengthening city governance. It is also an opportunity to promote engagement and economic growth between regions.

The 2019 APCS will focus on four themes for cities – innovation, mobility, liveability and sustainability.

The program includes internationally renowned speakers and facilitated sessions on each of the conference themes. Subject to approval to attend, the Lord Mayor has been invited to speak at the 2019 APCS on goals outlined in *Our Wollongong 2028* that focus on liveability outcomes, opportunities and challenges.

The APCS was last hosted in Brisbane in 2015 and 1,300 delegates from 135 cities attended, including 93 Mayors representing a global community of more than 134 million people.

The Councillor Expense and Facilities Policy requires any applications for interstate travel to be made through a report to Council.

PLANNING AND POLICY IMPACT

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

FINANCIAL IMPLICATIONS

The estimated total cost for the Lord Mayor to attend the 2019 Asia Pacific Cities Summit and Mayors' Forum is \$2,206. This includes registration cost (\$1250), return flights from Sydney to Brisbane (\$296) and accommodation for three nights (\$660). Minor incidental expenses may also be incurred.

CONCLUSION

Attending the 2019 Asia Pacific Summit and Mayors' Forum will allow the Lord Mayor to engage with leaders from across the region and highlight opportunities and challenges for Wollongong in regards to innovation, mobility, liveability and sustainability.

ITEM 11 POLICY REVIEW: FRAUD AND CORRUPTION PREVENTION POLICY

Council's rolling Policy Review Program requires policies to be reviewed every three years. The Office of the Professional Conduct Coordinator has reviewed the Fraud and Corruption Prevention Policy and the revised Policy is attached for the consideration of Council.

RECOMMENDATION

- 1 The revised Fraud and Corruption Prevention Policy be endorsed for public exhibition for a minimum period of 28 days.
- 2 The revised Fraud and Corruption Prevention Policy be reported to Council for finalisation following the exhibition period.

REPORT AUTHORISATIONS

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

ATTACHMENTS

- 1 Draft Fraud and Corruption Prevention Council Policy

BACKGROUND

The Fraud and Corruption Prevention Policy was developed to control the risk of fraud and corruption at Wollongong City Council. This Policy is now due for review.

PROPOSAL

This Policy went before Council's Audit Risk and Insurance Committee (ARIC) in November 2018 for consultation and comment. The ARIC made several recommendations which have been incorporated, including a statement that Council will take decisive disciplinary action in instances where fraud or corruption are found to have occurred. The Policy Statement section has been expanded to include a commitment to ensuring staff awareness through regular training, and maintaining an effective system of internal controls for the prevention and detection of fraudulent or corrupt conduct. A signed commitment statement has also been inserted into the Policy, to demonstrate clear executive commitment to the prevention and detection of fraudulent and corrupt conduct.

As a number of changes have been made to the Policy, it is recommended Council endorse the revised Policy for exhibition. Any submissions received during the exhibition period will be reported to Council for consideration when adopting the Policy.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal "We are a connected and engaged community" – "Our council is accountable, financially sustainable and has the trust of the community."

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

CONCLUSION

A robust Fraud and Corruption Prevention Policy allows Council to facilitate the development of controls that will aid in the detection and prevention of fraud against Council. The draft policy is considered to meet these aims and is submitted to Council for endorsement for exhibition.



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

BACKGROUND

This policy has been developed in order to control the risk of fraud and corruption. This is a governance issue which must be given due attention by Council management. Fraud and corruption **undermines the ability of Council to achieve its objectives, and** is costly in five ways:

- 1 Financial loss;
- 2 Waste of resources, including management time;
- 3 Loss of corporate reputation;
- 4 Loss of community confidence; and
- 5 Impact on employee morale and subsequent effects on productivity.

The minimisation of fraud and corruption is therefore essential to ensure that Council achieves its overall business goals and objectives in a cost effective and ethical manner, whilst meeting community expectations to protect public money and property.

OBJECTIVE

The main objective of this policy is to set out Wollongong City Council's policy in relation to the prevention, detection and investigation of fraud and corruption in the Council work environment. This policy complies with NSW Government legislation and guidelines for Public Interest Disclosures (PIDs) and applies to:

- Councillors;
- All Council staff;
- Individuals who are engaged as contractors working for Council; and
- Other people who perform public official functions on behalf of the Council, such as volunteers.

Failure to comply with the provisions set out in the policy will constitute a breach of Council's Code of Conduct and may be considered misconduct and result in disciplinary action including termination of employment or legal actions.

POLICY STATEMENT

Council is committed to protecting its revenue, expenditure and assets from any attempt either by the public, contractors, or its own employees to gain financial or other benefits by deceit. The policy principles underpinning the Council's approach to fraud and corruption control are as follows:

- 1 Wollongong City Council will not tolerate corrupt or fraudulent conduct by employees or by any Councillor, stakeholder, client, consultant or volunteer.
- 2 **Wollongong City** Council is committed to:
 - Minimising the opportunities for corrupt or fraudulent conduct by employees, Councillors, members of the public, contractors and clients.
 - **Maintaining an effective system of internal controls for the prevention and detection of fraudulent or corrupt conduct.**
 - **Ensuring staff are aware of their obligations to report suspected fraud or corrupt conduct through regular training.**
 - **Conducting periodic fraud risk assessments to identify emerging opportunities for fraud.**
 - Detecting, investigating and disciplining/prosecuting corrupt or fraudulent conduct.
 - **When corrupt conduct is detected, Council is committed to taking strong and decisive action to deal with such conduct, including making such findings known across the organisation as a deterrent.**

FRAUD AND CORRUPTION PREVENTION

COUNCIL POLICY

- Reporting corrupt or fraudulent conduct to the Independent Commission against Corruption (ICAC) and the NSW Police where appropriate.
- 3 Managers are accountable for fraud and corruption control in their areas of responsibility.
- 4 Managers will adopt a risk management approach to fraud and corruption control, including proactive assessment of corruption or fraud risk, active implementation of mitigating controls and regular reporting to senior management.

Definition of Corruption

~~Corrupt conduct by a public official commonly involves the dishonest or preferential use of power or position, a breach of public trust or the misuse of information or material acquired in the course of official functions.~~

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.

STATEMENT OF PROCEDURES

Definition of Corruption

Corrupt conduct by a public official commonly involves the dishonest or preferential use of power or position, a breach of public trust or the misuse of information or material acquired in the course of official functions.

Responsibilities

- The General Manager has ultimate responsibility for managing fraud and corruption risks in the Council.
- The executive and senior management is responsible for ensuring that the Council's Fraud and Corruption Control Plan is fully and effectively implemented.
- Line management is responsible for:
 - understanding and implementing the Code of Conduct and relevant Council policies
 - undertaking risk assessment of corruption or fraud risk, active implementation of mitigating controls and regular reporting to senior management.
- Staff are responsible for reporting corrupt and fraudulent conduct through the Council's internal reporting framework or directly to ICAC.
- The General Manager is obliged, under section 11 of the *Independent Commission Against Corruption Act 1988* (ICAC Act) to report any matter that he or she reasonably suspects involves or may involve corrupt or fraudulent conduct to the ICAC.
- Staff are responsible for behaving according to the Code of Conduct and relevant Council policies.

Fraud and Corruption Control Plan

To assist managers to meet their fraud and corruption control responsibilities, specific strategies will be set out in the Council's Fraud and Corruption Control Plan, which will be developed and implemented by the Council's Professional Conduct Coordinator (PCC)..

FRAUD AND CORRUPTION PREVENTION

COUNCIL POLICY

Reporting

Staff have an obligation to report suspected fraud or corrupt conduct. Guidelines for reporting fraud and corruption are set out in Council's Internal Reporting Policy. All actual or suspected instances of fraud or corruption should be reported to Council's Professional Conduct Coordinator (PCC) as soon as possible, through the Council's internal reporting mechanisms.

Investigation

All cases of alleged fraud and/or corruption will be investigated and where appropriate, reported to ICAC and may be referred to the NSW Police for prosecution. Guidelines for the investigation of alleged fraud and corruption are set out in Council's Fraud and Corruption Investigation Policy.

The objectives of any investigation will be to:

- identify fraud and corruption vulnerabilities in Council business processes and instigate remedial action;
- determine, and if appropriate, instigate any applicable insurance coverage aspects;
- identify offenders and refer them for prosecution; and
- where practical, instigate recovery action through insurances or through the criminal courts on behalf of Council.

Alternatively, the *Public Interest Disclosures Act 1994* lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with. In relation to Council, these authorities are:

- The Independent Commission Against Corruption (ICAC) – for corrupt conduct;
- The NSW Ombudsman – for maladministration;
- The Information Commissioner – for disclosures about a government information contravention; and
- The Office of Local Government – for disclosures on any of the above categories.

COMMITMENT STATEMENT

The General Manager and Lord Mayor undertake to adhere to this policy, and actively demonstrate fraud prevention and control as outlined in the policy.

Signed:

FRAUD AND CORRUPTION PREVENTION

COUNCIL POLICY

COUNCIL FRAUD AND CORRUPTION RESPONSIBILITY STRUCTURE			
GENERAL MANAGER	<ul style="list-style-type: none"> • Culture • Policy and Strategy • Business Risk • Corporate Governance • Compliance (legislative, regulatory, community) • Stakeholder value • Image 		
	DIRECTORS and MANAGERS	<ul style="list-style-type: none"> • Lead by example • Develop and implement fraud and corruption prevention strategies for Department • Identify and mitigate actual and potential corruption risks in the workplace • Monitor and review the effectiveness of mechanisms implemented to minimise and detect corruption • Demonstrate ethical conduct in all business dealings • Promote awareness of fraud and corruption prevention and ethical conduct in the workplace 	
		SUPERVISORS and LEADERS	<ul style="list-style-type: none"> • Promote awareness of ethical conduct and mechanisms to prevent corruption • Provide input to policies, procedures and instructions that relate to areas of risk • Drive the Fraud and Corruption Prevention Strategy • Provide ethical advice and support to staff • Monitor integrity of Fraud and Corruption Prevention Strategy
	EMPLOYEES		<ul style="list-style-type: none"> • Ethical behaviour • Report suspected incidents of fraud and corruption • Compliance with fraud and corruption prevention controls including the Fraud and Corruption Prevention Policy

FRAUD AND CORRUPTION PREVENTION

COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	Office of the General Manager
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	19 October 2015, 11 June 2013, 24 November 2009 Management Policy 24 November 1995
Date of next review	[List date - Not more than 4 years from adoption]
Prepared by	Professional Conduct Coordinator
Authorised by	General Manager

DRAFT

ITEM 12

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

This report presents the draft amended Codes of Conduct and Procedures for the Administration of the Codes of Conduct for adoption by Council. A summary of submissions received and responses are also included for the information and consideration of Council.

RECOMMENDATION

Council –

- 1 Adopt the draft amended Codes of Conduct for:
 - a Councillors
 - b Staff
 - c Council Committee Members, Delegate of Council and Council Advisers.
- 2 Adopt the Procedures for Administration of the Codes of Conduct as exhibited.
- 3 Revoke the following Council policies, noting that the intent of these policies is now included in the Codes of Conduct:
 - a Gifts and Benefits
 - b Conflict of Interests
 - c Councillor Recordkeeping
 - d Use of Confidential Information
 - e Positive Working Relationships
- 4 Receive and note the submissions summarised in this report and thank those who made such submissions.

REPORT AUTHORISATIONS

Report of: Todd Hopwood, Manager Governance and Customer Service

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

ATTACHMENTS

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

BACKGROUND

At its meeting on 11 March 2019 Council resolved to place the draft amended 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. Public submissions were invited on the Codes of Conduct for an extended period from 13 March 2019 until 29 April 2019. The draft Codes and Procedures were available for viewing on Council's *Have Your say* webpage, with hard copies available from Council's Administration Centre and libraries. An advertisement was placed in the Wollongong Advertiser on 20 March 2019.

At the close of the public submission period on 29 April, no submissions from the public had been received.

Council also engaged with staff and members of its Audit, Risk and Improvement Committee (ARIC) as the Council's principal governance oversight committee, on the proposed changes to the Codes. Council received a total of five submissions, one from an ARIC member, two individual staff submissions and two from staff union representatives.

The issues raised in the submissions are outlined in the following tables:

Summary of Submissions

Model Code Clauses		
Clause/Part	Submission	Response / Recommended action
Harassment and Discrimination (Clause 3.7 in each of the Codes)		
<p>3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:</p> <p>a is not wanted by the person,</p> <p>b offends, humiliates or intimidates the person, and</p> <p>c creates a hostile environment.</p>	<p>3.7(a) Recommends inclusion of the word "and" at the end of the part.</p> <p><u>Comment:</u> A person may not want to hear that they are obstructing an emergency exit with their personal effects, but being told to move the obstruction does not in itself constitute either harassment or discrimination. To constitute either harassment or discrimination it would need to also contain the factors set out in 3.7 b) and 3.7 c)</p> <p>(1 individual submission)</p>	<p>No change recommended.</p> <p>Council acknowledges the intent behind the recommendation, however feel this could be deemed to reduce the effectiveness of the part.</p> <p>It is noted that Model Code provisions must be maintained and can only be added to, to strengthen the Codes.</p> <p>The definition as exhibited is consistent with the Model Code and should therefore be consistent across the local government industry.</p> <p>Therefore, no change is recommended.</p>
Bullying (Clauses 3.10 and 3.11 in each of the Codes)		
<p>3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:</p> <p>...</p> <p>3.11 Reasonable management action carried out in a reasonable manner does not constitute ...</p>	<p>After 3.10(h) and before 3.11, consider insertion of heading "Reasonable Management Action"</p> <p>(1 individual submission)</p>	<p>Supported, the inclusion of the title/sub heading of "Reasonable Management Action" is supported, as clause 3.11 although related to prior clauses differs and a heading would highlight this information which may otherwise be potentially 'lost' to the reader when skimming through the document.</p> <p>New heading proposed for insertion before clause 3.11:</p> <p>Reasonable Management Action</p>
<p>3.11 Reasonable management action carried out in a reasonable manner does not constitute <u>bullying</u> behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:</p> <p>a performance</p>	<p>After the word "bullying" in the first line of 3.11 there needs to be inserted the words "harassment or discrimination". Justification is prior experience that numerous complaints about harassment and discrimination arise from very reasonable and necessary management actions of the type described in 3.11 and it needs to be made clear in the</p>	<p>Supported.</p> <p>It is noted that while the Model Code provisions must be maintained, they may be added to, to strengthen the Codes.</p> <p>Propose amending the draft Code at this part to read: "Reasonable management action carried out in a reasonable manner does not constitute</p>

Model Code Clauses		
Clause/Part	Submission	Response / Recommended action
<p><i>management processes</i></p> <p><i>b disciplinary action for misconduct</i></p> <p><i>c informing a worker about unsatisfactory work performance or inappropriate work behaviour</i></p> <p><i>d directing a worker to perform duties in keeping with their job</i></p> <p><i>e maintaining reasonable workplace goals and standards</i></p> <p><i>f legitimately exercising a regulatory function</i></p> <p><i>g legitimately implementing a Council policy or administrative processes.</i></p>	<p>Codes of Conduct that these don't constitute harassment or discrimination simply because individuals are having civil but difficult conversations with those they are accountable to.</p> <p>(1 individual submission)</p>	<p>bullying harassment or discrimination behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to: ...</p>
<p>Gifts and Benefits (Clauses 6.7, 6.8 and 6.7 in Councillor, Staff and Delegates Codes respectively)</p>		
<p>6.# 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:</p> <p>a the nature of the gift or benefit</p> <p>b the estimated monetary value of the gift or benefit</p> <p>c the name of the person who provided the gift or benefit, and</p> <p>d the date on which the gift or benefit</p>	<p><i>Summary:</i> Object to mandatory written disclosure of token value gifts. Some front-line staff such as children's swim instructors receive multiple token value gifts at different times throughout the year such as Easter eggs at Easter, ANZAC biscuits to share amongst groups of staff). These gifts would be unlikely to add up to more than \$50 from any one donor in a 12-month period, however the mandatory written disclosure of these gifts in accordance with Code's provisions (including the name of each donor) is potentially onerous and time consuming.</p> <p>(1 individual and 2 group submissions)</p>	<p>No change recommended.</p> <p>The concerns raised are noted, however as a Model Code provision, Council does not have discretion to remove or reduce it in its own Codes.</p> <p>The concerns raised in relation to the mandatory disclosure of Gifts and Benefits of token value and the time impost this may impose are noted. The reporting process will be reviewed to ensure this is as simple as possible and guidelines developed to assist in clarification of reporting requirements and education.</p>

Model Code Clauses		
Clause/Part	Submission	Response / Recommended action
e was received whether the gift or benefit was accepted or refused.		

Council protocols (non-mandatory clauses)		
Clause	Submission	Response and Recommended action
Public comment (cl. 3.18 in Staff Code and cl. 3.17 in Delegates Code)		
3.## Only those Council staff who are specifically delegated to do so by the General Manager may make public comment about Council matters.	That this clause does not adequately define what “public comment” and may be broadly interpreted. Should the Code reference other relevant Council policies such as the Media policy. (1 individual submission)	Supported to better define the purpose of the clause, in that many staff communicate with the public as part of their role. This part is intended to relate to comments to media. Proposal - Amend this part in both Staff and Delegates Codes to read: Only those Council staff who are specifically delegated to do so by the General Manager may make public comment <u>to the media</u> about Council matters. Staff must comply with Council’s Media policies and protocols, and general conduct provision of this Code.
Social Media Policy (clauses 8.22, 8.20 and 8.12 in Councillor, Staff and Delegate Codes respectively)		
General concerns raised in submissions in relation to the Social Media Clauses. (1 individual and 2 group submissions)	<i>Summary:</i> Some of the submissions received did not disagree with the need for social media to be included within the Codes, however there were objections to the proposed clauses as being too broad and open to misinterpretation In addition, there was objection to Council governing personal and private use of social media. Submissions highlighted that the proposed clauses were either covered elsewhere within the Codes themselves or were	The general concerns raised in the submissions are supported in that they are covered elsewhere within the Codes of Conduct and under the general conduct provisions of the Code. Propose replacing the parts in this clause with “ <i>When using social media, you must comply with the general conduct provisions of this Code.</i> ” The Codes of Conduct require Council Officials to conduct themselves in compliance with the general conduct provisions.

Council protocols (non-mandatory clauses)		
Clause	Submission	Response and Recommended action
	subject to other Council policies and protocols.	This clause, in a similar way to other Council protocols within the Codes, acts as a reminder of that obligation.

PROPOSAL

It is proposed that Council endorse the Codes of Conduct as exhibited, with the following amendments as summarised below:

Bullying and Harassment

- Addition of the words ‘harassment or discrimination’ in all three Codes, to read:
*“Reasonable management action carried out in a reasonable manner does not constitute bullying, **harassment or discrimination** behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to”*
- Addition of heading after clause 3.10 and before 3.11 in all three Codes **“Reasonable Management Action”**

Public Comment

- Amend this part in both Staff and Delegates Codes to read:
*Only those Council staff who are specifically delegated to do so by the General Manager may make public comment **to the media** about Council matters. Staff must comply with Council’s Media policies and protocols, and general conduct provision of this Code.*

Social Media

- It is proposed to amend this part in all three Codes to read:
“When using social media, you must comply with the general conduct provisions of this Code.”

Policies for revoking

In addition to the submissions received, it has been identified that a number of Council policies, which supported the old Codes of Conduct, are no longer required as separate documents. The new Codes of Conduct, with their inclusive provisions in relevant areas will now allow for these subsidiary policies to be revoked, leaving the Codes of Conduct as a ‘One-stop-shop’ for conduct provisions.

Council policies proposed to be revoked on adoption of the Codes of Conduct are:

- Gifts and Benefits
- Conflict of Interests
- Councillor Recordkeeping
- Use of Confidential Information
- Positive Working Relationships

With the revoking of the Positive Working Relationships policy, the reference in Part 3 to the policy should now be removed. A new Management policy was adopted by Executive Management Committee on 15 April 2019 titled “Prevention and resolution of workplace bullying, harassment and discrimination”.

CONSULTATION AND COMMUNICATION

The draft Codes of Conduct were made publicly available for viewing and submissions were sought from the public between 13 March and 29 April 2019.

In considering the submissions received, advice was sought from relevant Managers.

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.

CONCLUSION

Council must adopt Codes of Conduct that are consistent with the Model Code of Conduct no later than 14 June 2019. Council has taken all reasonable steps to comply, including exhibiting the draft Codes and seeking community and staff feedback. It is appropriate for Council to now consider the draft amended Codes for adoption. If Council fails to adopt the Codes, the Model Code of Conduct will take effect from 14 June 2019 in its place.



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

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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 Assessment Act 1979</i> .
joint organisation	a joint organisation established under section 4000 of the LGA.
LGA	the <i>Local Government Act 1993</i> .
Wollongong Local Planning Panel (WLPP)	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i> .
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 <i>Local Government (General) Regulation 2005</i> .
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.

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PART 3: GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
- is likely to bring the Council or other Council officials into disrepute
 - is contrary to statutory requirements or Council's administrative requirements or policies
 - is improper or unethical
 - is an abuse of power
 - causes, comprises or involves intimidation or verbal abuse
 - involves the misuse of your position to obtain a private benefit
 - 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:
- is not wanted by the person,
 - offends, humiliates or intimidates the person, and
 - 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 person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - 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:
- aggressive, threatening or intimidating conduct
 - belittling or humiliating comments
 - spreading malicious rumours
 - teasing, practical jokes or 'initiation ceremonies'
 - exclusion from work-related events
 - unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - displaying offensive material
 - pressure to behave in an inappropriate manner.

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Reasonable Management Action

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying, harassment or discrimination¹ behaviours 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

3.12 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

3.13 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.

3.14 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]

3.15 You must refrain from offering support to affected parties prior to the normal assessment or review processes of Council being undertaken.

[Council protocol]

¹ 3.11 The words "harassment or discrimination" added by Council

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Public comment

- 3.16 The Lord Mayor and the General Manager are the official spokespersons on Council business.
- 3.17 The Lord Mayor may delegate Councillors to act as spokespersons for Council.
- 3.18 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

- 3.19 You must not participate in binding caucus votes in relation to matters to be considered at a Council or Committee meeting.
- 3.20 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.
- 3.21 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.
- 3.22 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

- 3.23 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.
- 3.24 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).
- 3.25 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.
- 3.26 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

- 3.27 You must not engage or participate in any act that may constitute fraud and corruption.
- 3.28 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.

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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

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- 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
 - l 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.

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- 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 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

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- 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]

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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
 - 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

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- 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 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

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- 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]

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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.
- 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.

[Model Code]

[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

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- 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 Code²]

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 6.6(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

² Subject to the Policy provisions to include the words “an offer of” and addition of 6.8(e)

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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]

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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-to-day 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

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- 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]

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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.
- 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.

[Model Code]

[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

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- 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

- 8.11 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
 - b for other non-official purposes.
- 8.19 You must not convert any property of the Council to your own use unless properly authorised.

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[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 When using social media, you must comply with the general conduct provisions of this Code.

[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*.
- 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".

[Model Code]

[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 non-public areas of Council, in accordance with clause 8.28, during and outside of business hours.

[Council protocol]

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- 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.
- 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.

[Model Code]

[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.
- 8.36 The conflict of interest provisions of this Code apply to all Councillor briefing sessions.

[Council protocol]

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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]

CODE OF CONDUCT - COUNCILLORS

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

COUNCIL POLICY

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: |
| | <ul style="list-style-type: none"> 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 c in relation to any real property, the street address of the property. <p>de facto partner has the same meaning as defined in section 21C of the <i>Interpretation Act 1987</i>.</p> |
| disposition of property | means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following: <ul style="list-style-type: none"> 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. |
| 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: <ul style="list-style-type: none"> 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 - COUNCILLORS

COUNCIL POLICY

return date	means:
	<ul style="list-style-type: none"> 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:
	<ul style="list-style-type: none"> a 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 c 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]

CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

Gifts

9. A person making a return under clause 4.9 of this code must disclose:
 - a 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]

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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:

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- 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.
[Model Code]

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]

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			
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 occupation at any time since 30 June			
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 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 who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken	
E. INTERESTS AND POSITIONS IN CORPORATIONS			
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	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
F. Were you a property developer or a close associate of a property developer on the return 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 (whether remunerated or not) at the return date/at any time since 30 June		Description of position	

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COUNCIL POLICY

H. Debts	
Name 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. 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	

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 out of a mortgage, lease, trust, option or contract, or otherwise).
- An associated person of the Councillor has an interest in the land.
- An associated company or body of the Councillor has an interest in the land.

Matter giving rise to pecuniary interest³

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land⁴²)
[Tick or cross one box]

- The identified land.
- Land that adjoins or is adjacent to or is in proximity to the identified land.

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"]

³ 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.

⁴ 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.

CODE OF CONDUCT - COUNCILLORS

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]

DRAFT

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

DRAFT



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.

CODE OF CONDUCT - STAFF

COUNCIL POLICY

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DRAFT

CODE OF CONDUCT - STAFF

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 Assessment Act 1979</i> .
joint organisation	a joint organisation established under section 400O of the LGA.
LGA	the <i>Local Government Act 1993</i> .
Wollongong Local Planning Panel (WLPP)	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i> .
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 <i>Local Government (General) Regulation 2005</i> .
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.

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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

- 3.8 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

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- 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.

Reasonable Management Action

- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying, harassment or discrimination¹ behaviours 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]

Work health and safety

- 3.12 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]

Land use planning, development assessment and other regulatory functions

- 3.13 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.
- 3.14 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]

¹ 3.11 The words "harassment or discrimination" added by Council

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- 3.15 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.
- 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 Only those Council staff who are specifically delegated to do so by the General Manager may make public comment **to the media** about Council matters. Staff must comply with Council's Media policies and protocols, and general conduct provision of this Code.

[Council protocol]

Obligations in relation to meetings

- 3.18 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.
- 3.19 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).
- 3.20 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

- 3.21 You must not engage or participate in any act that may constitute fraud and corruption.
- 3.22 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 disciplinary action against you.

[Council protocol]

Right to Work and Criminal Convictions

- 3.23 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]

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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

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- 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.

[Model Code]

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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:
- becoming a designated person, and
 - 30 June of each year, and
 - 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:
- 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:
- at any time during which the matter is being considered or discussed by the committee, or
 - at any time during which the committee is voting on any question in relation to the matter.

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- 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 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.

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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 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

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- 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

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- 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 co-workers.

[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]

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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.
- 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,

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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 the name of the organisation they represent where not received from an individual
- d the date on which the gift or benefit was received, and
- e whether the gift or benefit was accepted or refused.

- 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 Code²]

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:

- 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

- 6.11 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:

- 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.

- 6.13 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.

- 6.14 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”

- 6.15 For the purposes of clause 6.7(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

² 6.9 subject to the Policy provisions to include the words “an offer of” and addition of 6.9(e)

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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.

[Model Code]

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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-to-day 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

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- 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

[Model Code]

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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

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- 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

- 8.11 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*

[Model Code]

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,

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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 When using social media, you must comply with the general conduct provisions of this Code.

[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 Code³]

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 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.

[Model Code]

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

³ Subject to the words "Records Manager" in the Model Code being replaced by "Information Management Team Leader" to reflect the relevant role within Council.

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- 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.

[Model Code]

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]

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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.

[Model Code]

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SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.16

SCHEDULE 1, PART 1: PRELIMINARY

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address	means:
	<ul style="list-style-type: none"> 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. <p>de facto partner has the same meaning as defined in section 21C of the <i>Interpretation Act 1987</i>.</p>
disposition of property	means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following: <ul style="list-style-type: none"> 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.
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: <ul style="list-style-type: none"> 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

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return date	means:
	<ul style="list-style-type: none"> 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:
	<ul style="list-style-type: none"> a 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 c 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 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.

[Model Code]

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Gifts

9. A person making a return under clause 4.18 of this code must disclose:
 - a 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

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- 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.

[Model Code]

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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:
 - 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:
 - 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

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- 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]

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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.

[Model Code]

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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 property in which I had an interest at the return date/at any time since 30 June		Nature of interest	
B. Sources of income			
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 occupation at any time since 30 June			
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 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 who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken		Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
E. Interests and positions in corporations			
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	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
F. Were you a property developer or a close associate of a property developer on the return 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 (whether remunerated or not) at the return date/at		Description of position	

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any time since 30 June	
H. Debts	
Name 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. 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	

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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

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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 (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.

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 Assessment Act 1979</i> .
joint organisation	a joint organisation established under section 4000 of the LGA.
LGA	the <i>Local Government Act 1993</i> .
Wollongong Local Planning Panel (WLPP)	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i> .
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 <i>Local Government (General) Regulation 2005</i> .
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

- 3.8 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

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- 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.

Reasonable Management Action

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying, harassment or discrimination¹ behaviours 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

3.12 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

3.13 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.

3.14 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.

¹ 3.11 The words "harassment or discrimination" added by Council

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Obligations in relation to meetings

- 3.15 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.
- 3.16 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).
- 3.17 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

- 3.18 Only those Council staff who are specifically delegated to do so by the General Manager may make public comment **to the media** about Council matters. You must comply with Council's Media policies and protocols, and general conduct provision of this Code.

[Council protocol]

Fraud and Corruption Prevention

- 3.19 You must not engage or participate in any act that may constitute fraud and corruption.
- 3.20 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.
- 3.21 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]

Right to Work and Criminal Convictions

- 3.22 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]

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

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- special interest group, if you have been appointed to represent the organisation or group on the Council committee
- 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
- 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.

[Model Code]

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 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.
- 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.

[Model Code]

[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
 - 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 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.

[Model Code]

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

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- 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.

[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.
- 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.

[Model Code]

[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

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- g personally benefit from reward points programs when purchasing on behalf of the 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 Code²]

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]

² Subject to the Policy provisions to include the words "the offer of" and addition of 6.9(e)

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“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.
- 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]

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*

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- 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

- 8.5 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 When using social media, you must comply with the general conduct provisions of this Code.

[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.
- 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*.

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[Model Code³]

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]

³ Subject to the words "Records Manager" in the Model Code being changed to "Information Management Team Leader" to reflect the relevant role within Council.

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.

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- 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]

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:

<i>address</i>	<p>means:</p> <ul style="list-style-type: none"> 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. <p>de facto partner has the same meaning as defined in section 21C of the <i>Interpretation Act 1987</i>.</p>
<i>disposition of property</i>	<p>means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:</p> <ul style="list-style-type: none"> 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.
<i>gift</i>	<p>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.</p>
<i>interest</i>	<p>means:</p> <ul style="list-style-type: none"> 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.
<i>listed company</i>	<p>means a company that is listed within the meaning of section 9 of the <i>Corporations Act 2001</i> of the Commonwealth.</p>
<i>occupation</i>	<p>includes trade, profession and vocation.</p>
<i>professional or business association</i>	<p>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.</p>
<i>property</i>	<p>includes money</p>

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<i>return date</i>	<p>means:</p> <ul style="list-style-type: none"> 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(b), 30 June of the year in which the return is made c 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.
<i>relative</i>	<p>includes any of the following:</p> <ul style="list-style-type: none"> a 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 c 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 facto partner of a person referred to in paragraphs (b) and (c).
<i>travel</i>	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 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.

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[Model Code]

Gifts

9. A person making a return under clause 4.16 of this code must disclose:
 - a a description of each gift⁴ 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

⁴ Refer to the definition of 'gift' in [Part 1: Preliminary, Definitions](#)

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- 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
 - 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.

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25. A disposition of real property need not be disclosed if it was made prior to a person becoming a designated person.

[Model Code]

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:
 - 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

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- 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
 - 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]

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]

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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 property in which I had an interest at the return date/at any time since 30 June		Nature of interest	
B. SOURCES OF INCOME			
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 occupation at any time since 30 June			
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 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 who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken	
E. INTERESTS AND POSITIONS IN CORPORATIONS			
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	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
F. Were you a property developer or a close associate of a property developer on the return 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 (whether remunerated or not) at the return date/at any		Description of position	

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time since 30 June	
H. Debts	
Name 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. 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	

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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.

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PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

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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 <i>Local Government Act 1993</i> .
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 <i>Local Government (General) Regulation 2005</i> .

¹ The words “including volunteers” are a Council policy provision

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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.

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- 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.

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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.

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- 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.

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- 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:
- censure
 - 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
 - prosecution for any breach of the law
 - removing or restricting the person's delegation
 - 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:

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- 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
 - b) 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.

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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:
- complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - 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
 - 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:
- 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
 - 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.

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- 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:
- the complainant consents in writing to the disclosure, or
 - 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
 - it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - 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.

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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:

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- 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.

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- 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:
- to take no action
 - 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
 - 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
 - to refer the matter to an external agency
 - 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:
- that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - that the alleged conduct is sufficiently serious to warrant investigation, and
 - 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:
- the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - whether the alleged conduct was deliberate or undertaken with reckless intent or negligence

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- 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

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- 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

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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

- 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

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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:

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- 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

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- 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
 - l) 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,

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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.

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- 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.

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- 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:
- that the investigator has failed to comply with a requirement under these procedures, or
 - that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - 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.

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- 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:
- 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
 - the General Manager or mayor must review any action taken by them to implement the sanction, and
 - 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:
- 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
 - the council must:
 - review its decision to impose the sanction, and
 - consider the Office's recommendation in doing so, and
 - 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:
- the non-compliance is isolated and/or minor in nature, or
 - reasonable steps are taken to correct the non-compliance, or
 - 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.

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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:
- 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 period
 - 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
 - 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 procedures during the reporting period
 - 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 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:
- the complainant
 - the complaints coordinator
 - the Office, and
 - any other person the General Manager or their delegate considers should be notified of the 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

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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.

DRAFT

**PROCEDURES FOR THE ADMINISTRATION OF THE CODES
 OF CONDUCT**

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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

DRAFT

ITEM 13 POLICY REVIEW: DRAFT 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.

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:

- 1 Adopt the revised Code of Meeting Practice.
- 2 Revoke the Public Access Forum Council Policy, noting that the provisions of this Policy have been incorporated in to the Code of Meeting Practice.

REPORT AUTHORISATIONS

Report of: Todd Hopwood, Manager Governance and Customer Service

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

ATTACHMENTS

- 1 Draft revised Code of Meeting Practice

BACKGROUND

Council at its meeting on 11 March 2019 resolved:

- 1 *Council place the draft Code of Meeting Practice (as amended) 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.*
- 2 *Before final adoption by Council, the Code of Meeting Practice's Definitions, include definitions for Presentations and Petitions.*
- 3 *The Code of Meeting Practice be amended at Section- 4.13 (public access forum, questions), last sentence adding the words "Questions put to a speaker must be direct, succinct and put without argument to clarify points raised by the speaker."*
- 4 *The Code of Meeting Practice be amended at Section 7.2. point b, to read 'Deputy Lord Mayor'.*

Changes were made in accordance with parts 3 and 4 of the resolution, and Council's draft Code of Meeting Practice was publicly exhibited between 13 March and 29 April 2019. No submissions were received during this time and the draft Meeting Code may be presented to Council for adoption.

New Model Code of Meeting Practice

The provisions of the Model Meeting Code issued by the Office of Local Government substantially align with Council's current Code of Meeting Practice, however there are several new mandatory provisions that introduce new or varied practices for Council meetings. The new provisions include eight 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.

The significant non-mandatory provisions from the Model Meeting Code that are 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.

PROPOSAL

Code of Meeting Practice

It is proposed that Council adopt the draft revised Code of Meeting Practice as exhibited, with amendments as recommended by Council to:

- a *Include definitions for Presentations and Petitions.*

Proposed wording for Petitions is:

Petitions for the purposes of this Code means petitions to be tabled at a meeting. A Petition is a written request seeking some form of action from Council in relation to a matter on which Council has the power to act or advocate on that includes the full name, address and signature of at least four people from four different households.

NOTE: Petitions are not subject to discussion or debate.

There has been some discussion about whether the need for a petition to be from different households should be required. This is intended to discourage the use of submissions for matters solely related to a single household, with other mechanisms available to address these issues. However, if Council wishes to remove this requirement, it can be deleted from the definition.

With regards to the definition of petitions, the guidelines issued by the NSW Legislative Assembly were considered and a Council guideline for the handling of petitions is to be developed.

Proposed wording for Presentations is:

Presentations for the purposes of this Code means:

- (a) *Invited speakers*

Opportunity for invited speakers, e.g. auditors, to address Council, and/or

- (b) *Notice of receipt of awards and similar*

Opportunity for Councillors to advise Council of any presentations received by them on behalf of the Council since its last meeting, such as the receipt of awards.

NOTE: Presentations are not subject to discussion or debate.

Public Access Forum Policy

It is proposed to revoke the Public Access Forum Council Policy which is now contained within Part 4 of the 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

Council at its meeting on 11 March 2019 resolved to place a draft amended Code of Meeting Practice on public exhibition of a period of not less than 42 days, inviting submissions from the public. Public submissions were invited between 13 March and 29 April 2019 with none received during the 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.

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.



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.

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CODE OF MEETING PRACTICE

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.
- 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.
- 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 361

LGA 362

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

CODE OF MEETING PRACTICE

COUNCIL POLICY

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.

LGA 367(1)

- 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:
- all matters to be dealt with arising out of the proceedings of previous meetings of Council, and
 - 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
 - all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - 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

CODE OF MEETING PRACTICE

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 to clarify points raised by the speaker.
- 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

CODE OF MEETING PRACTICE

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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'

CODE OF MEETING PRACTICE

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- 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]

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CODE OF MEETING PRACTICE

COUNCIL POLICY

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)

CODE OF MEETING PRACTICE

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.

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 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

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 Recordings older than two years may be archived and accessed by an informal access application 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.

CODE OF MEETING PRACTICE

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

CODE OF MEETING PRACTICE

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 'Deputy Lord Mayor' to the Deputy Lord Mayor
 - c 'Mr or Madam Chair' (where the chairperson is not the Lord Mayor or Deputy Lord Mayor)
 - d 'Councillor [surname]' to fellow Councillors, and
 - e 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

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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 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

CODE OF MEETING PRACTICE

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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

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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.

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[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

⁸ Council resolution – Minute No 8 of 28 January 2014

CODE OF MEETING PRACTICE

COUNCIL POLICY

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.

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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

CODE OF MEETING PRACTICE

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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).

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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.

LGA 10B(4)

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)

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:

- 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.

LGA 10C

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.

CODE OF MEETING PRACTICE

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- 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:
- the relevant provision of section 10A(2) of the Act,
 - the matter that is to be discussed during the closed part of the meeting,
 - 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]

CODE OF MEETING PRACTICE

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

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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.

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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

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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]

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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

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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.

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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)

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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

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- 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,

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- 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.

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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

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ATTACHMENT 1 - DEFINITIONS

Term	Definition
the Act	means the <i>Local Government Act 1993</i>
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 that 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 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
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 <i>Local Government Act 1993</i> . 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, but 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

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Term	Definition
<u>Petitions</u>	Petitions for the purposes of this Code means petitions to be tabled at a meeting. A Petition is a written request seeking some form of action from Council in relation to a matter on which Council has the power to act or advocate on, that includes the full name, address and signature of at least four people from four different households. NOTE: Petitions are not subject to discussion or debate.
<u>Presentations</u>	Presentations for the purposes of this Code means: (a) <u>Invited speakers</u> Opportunity for invited speakers, eg auditors, to address Council, and/or (b) <u>Notice of receipt of awards and similar</u> Opportunity for Councillors to advise Council of any presentations received by them on behalf of the Council since its last meeting, such as the receipt of awards. NOTE: Presentations are not subject to discussion or debate.
quorum	means the minimum number of Councillors or committee members necessary to conduct a meeting.
the Regulation	means the <i>Local Government (General) Regulation 2005</i> .
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

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ATTACHMENT 2 – TABLE OF PROCEDURAL MOTIONS

Table of Procedural Motions and example motions	Seconder	Clause
Adjourn a meeting <i>Moved/seconced that the Meeting be adjourned to [specify date and time]</i>	YES	Clause 18.3
Call of the agenda <i>Moved/seconced that [list items numbers] be resolved as a block</i>	YES	Part 13
Extend a speaker's speech time <i>Moved/seconced that Cr [name] be given an additional [specify, up to 5 minutes] to debate the matter</i>	YES	Clause 10.31
Extension of meeting time <i>I Move to extend meeting time to [10.30 pm]</i>	NO	Clause 18.2
Foreshadowed motion or amendment <i>I Foreshadow that if the motion/amendment is lost intend to move the following motion/amendment</i>	NO	Clause 10.21
Lay an item on the table, take item off the table <i>Moved/Seconced that item [number and title] be laid on the table, pending additional information being provided to Councillors at a Councillor briefing.</i> <i>Moved/Seconced that item [number and title] be taken off the table and: debate resumes where it left off OR the list of speakers be recommenced</i>	YES	Clause 9.20
Limit the number of speeches (motion or amendment be now put) <i>I Move the Motion be now Put</i>	NO	Clause 10.32
Motion of dissent <i>I Move to dissent from the ruling of the Chair</i>	NO	Clause 15.8
Motion to transact business without notice (urgency motion) <i>Moved/Seconced that the Council will consider the business without notice</i>	YES	Clause 9.3(a)
Point of order <i>I Move a point of Order that [specify point]</i>	NO	Clause 15.1
Split motions for debate <i>Moved/seconced 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]</i>	YES	Clause 9.23
Suspend standing orders (changing order of business) <i>Moved/seconced that standing orders be suspended, and item [number] be considered ["here" or "after staff reports" etc].</i>	YES	Clause 8.2

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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: <i>Local Government Act 1993 section 361</i>
Responsible Manager	Manager Governance and Customer Service
Authorised by	Director Corporate Services

DRAFT

ITEM 14 POLICY REVIEW: PENALTY NOTICE REVIEW POLICY

Regulation and Enforcement staff have conducted a review of the Penalty Notice Review Policy in accordance with Council's Policy review schedule. Only minor changes are proposed relating to Government Agency changes, language and staff training requirements.

RECOMMENDATION

That the Penalty Notice Review Policy be adopted by Council.

REPORT AUTHORISATIONS

Report of: Danny Madigan, Manager Regulation and Enforcement
Authorised by: Mark Riordan, Director Planning and Environment - Future City and Neighbourhoods (Acting)

ATTACHMENTS

- 1 Penalty Notice Review Council Policy

BACKGROUND

Council's Regulation and Enforcement Division has completed a review of the Penalty Notice Review Policy with this report seeking Council's adoption of the Policy. This Policy has been previously adopted by Council on 28 November 2011 and 25 November 2013. The Policy establishes the framework for the issue and review of Penalty Notices (on the spot fines).

PROPOSAL

A number of minor changes and modifications to this Policy are proposed with the key changes being detailed below:

- Language changes to reflect Council's recently adopted Compliance and Enforcement Policy.
- The change of name from State Debt Recovery Office (SDRO) to Revenue NSW.
- A requirement that all Council Officers that issue Penalty Notices undertake mandatory Self-Enforcing Infringement Notice Scheme (SEINS) training prior to issuing Penalty Notices. This had not previously been the case.

CONSULTATION AND COMMUNICATION

The Penalty Notice Review Policy has been referred to internal stakeholders, as detailed below for comment:

- Development Assessment and Certification
- Open Space and Environmental Services
- Council's Professional Conduct Coordinator

This Policy was also tabled with Council's Executive Management Committee on 18 December 2018.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal "We have affordable and accessible transport" and "We have a healthy community in a liveable City".

It specifically delivers on core business activities as detailed in the Regulatory Control Service Plan 2018-2019.

FINANCIAL IMPLICATIONS

There are no financial impacts from the review of the Policy. Staff training in regards the issue of Penalty Notices is undertaken from existing budget.

CONCLUSION

The Penalty Notice Review Policy, provides a framework for Council staff to review contested Penalty Notices in an ethical, transparent and consistent manner whilst managing risks to the organisation. Only minor changes are proposed. These include language, Government Agency changes and staff training requirements.



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

BACKGROUND

The Self-Enforcing Infringement Notice Scheme (SEINS) provides for the issuing of Penalty Notices for a range of statutory particular offences.

Briefly, the Scheme allows certain law enforcement agencies, including Local Government in New South Wales, not to be automatically referred for determination by a Court unless the individual so desires. It is an automated administrative process of enforcement and associated revenue collection.

SEINS is administered by Revenue NSW the State Debt Recovery Office (SDRO) which has commercialised its services and undertakes, on behalf of government authorities, the processing of Penalty Notices. Council has entered into a "premium level" Service Level Agreement with Revenue NSW for this service to be provided to Council.

The scheme is continually audited by the Revenue NSW SDRO, its parent organisation the Office of State Revenue (OSR) and in certain circumstances, by the Ombudsman Office NSW Ombudsman and the Independent Commission Against Corruption (ICAC).

There are a number of divisions within Wollongong City Council that issue Penalty Notices; including Regulation and Enforcement, Environment Strategy and Planning, and City Planning Open Space and Environmental Services and Development Assessment and Certification.

Penalty Notices are never issued unless prima facie evidence of an offence exists and, in all cases, evidence is gathered including, but not limited to, contemporaneous notes, photographs, measurements and/or samples.

RELATED POLICIES AND PROCEDURES

Wollongong City Council Compliance & Enforcement Policy.

OBJECTIVE

The main objectives of this Policy are to :-

- Clarify and make consistent the procedures undertaken by Council Officers when issuing and reviewing Penalty Notices;
- Identify the rights of individuals in receipt of a Penalty Notice and the involvement of Council staff, Councillors and Members of Parliament in ensuring an open and transparent approach is undertaken in all dealings.

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.

POLICY STATEMENT

This policy aims to provide a consistent and transparent enforcement framework for the issuing and reviewing of Penalty Notices.

PENALTY NOTICE REVIEW

COUNCIL POLICY

STATEMENT OF PROCEDURES

OFFENCES

The types of offences which incur a Penalty Notice are listed within the "Local Government – Fixed Penalty Handbook". The Handbook identifies the short title description of the offence, the corresponding penalty amount, the codes that Revenue NSW the SDRQ uses for processing, along with the relevant Act and Section the offence occurs under.

The assigning of Penalties to an offence and specific penalty amounts are reviewed and amended by the Parliamentary Council, which then refers changes to the Minister for signing off. Once gazetted, the changes are enforced. Reviews are undertaken periodically.

ISSUING PENALTY NOTICES

All Council Officers that issue Penalty Notices will complete the SEINS Online training before commencing with issuing Penalty Notices - this training will be refreshed as required.

When an Officer is in the course of issuing a Penalty Notice they must consider, as part of the issuing process, the Caution Guidelines under the Fines Act 1996. These Guidelines are to assist Officers in exercising their discretion; they do not create a right or obligation to give a Caution in place of a Penalty Notice.

No Special dispensation is not given when issuing Penalty Notices. Penalty Notices can be issued to members of the public, businesses and organisations (recognised legal entities), and Local or State Government contractors, Councillors, Council staff and Members of Parliament.

Currently there are two (2) types of Penalty Notices, the hand-written or electronic issued notices. Wollongong City Council only issues Penalty Notices electronically via a handheld computer system. Electronic Penalty Notices can be issued for all offences and comprise of one (1) document. The Penalty Notice can be served in the field or once the Officer returns to the office. The data entered into the hand-held device is electronically downloaded by Council staff to the Revenue NSW SDRQ website for processing.

More serious offences are dealt with by way of eCourt Attendance Notices.

PAYMENT OR APPEAL

Under the Legislation, an individual has four (4) options to deal with an Infringement Notice:

- 1 Pay the Infringement Notice penalty amount to Revenue NSW the SDRQ within the prescribed period (21 days from date of issue). It should be noted that payment is not an admission of guilt.

Payments are unable to be made at Council's Customer Service Centre.

- 2 Enact the owner-onus provision:

This refers to the transfer of responsibility. For example, in the case of a Deposit Litter from Vehicle offence, the owner of the vehicle may nominate the person responsible for the vehicle at the time of the offence, or the offender.

The transferring of responsibility requires the completion of a Statutory Declaration, nominating the full name and address of the person actually responsible for the offence and must be submitted to Revenue NSW the SDRQ.

- 3 Make representation to Revenue NSW the SDRQ requesting the matter be reviewed and special consideration given due to exceptional circumstances:

For all pollution/environmental/building offences the matter will be referred to Council for comment. In these instances, a Review Officer will make a decision and advise the Revenue NSW SDRQ of the outcome.

- 4 Elect to have the matter heard in Court. (The individual must notify Revenue NSW the SDRQ should they wish to have the matter determined by a Magistrate).

PENALTY NOTICE REVIEW

COUNCIL POLICY

REVIEW PROCEDURES

Council cannot accept representations other than in circumstances outlined above and recipients of Penalty Notices must be advised to direct their enquiries to [Revenue NSW the SDRQ](#).

Where a person makes a written representation to the Council this representation will be forwarded to [Revenue NSW the SDRQ](#) for [Revenue NSW the SDRQ](#) to consider as if the representation was made directly to [Revenue NSW the SDRQ](#) (as required by clause 2.36 [Revenue NSW SDRQ](#) Service Level Agreement). The person making this representation will be advised that this has occurred.

Only representations supplied through [Revenue NSW the SDRQ](#) will be considered.

Upon receipt of written representations the following steps will be undertaken:

1 Reviewing Officer

- The Reviewing Officer must either be the relevant Supervisor, Divisional Middle Manager or Divisional Manager, depending on the staff member responsible for issuing the Penalty Notice.
- The Reviewing Officer will carefully read and adjudicate all cases on their individual merits. Discretion, common-sense, fairness, consistency and adherence to Council's policies and procedures will be used when making a decision. The review will always include reference to any [previous](#) warning, contemporaneous notes, photographs and/or physical evidence.

Comments [offrom](#) the Issuing Officer will be sought whenever considered necessary for the clarification of either offence details or aspects raised within the representation.

Final adjudication will fall within one (1) of the following categories -

- Penalty to Stand* - where prima facie evidence of an offence is disclosed (ie issued lawfully) and no leniency is extended.
- Caution* - where prima facie evidence of an offence is disclosed and leniency is extended under exceptional circumstances.
- Withdrawn* - where no offence is disclosed and includes an administration oversight.

The Reviewing Officer will complete a "Review of Penalty Notice Form" (Attachment 1). This form is the basis for notification to [Revenue NSW the SDRQ](#) of WCC recommendations - for auditing purposes a copy will be kept on Council's document management system.

2 Authority to withdraw Penalty Notice

Where it is determined that the Penalty Notice be withdrawn, only a relevant [Middle Assistant Manager, Manager](#) or Divisional Manager can approve such action.

3 Conflict of Interest

It is unacceptable for a Reviewing Officer to handle representations in which they have a personal interest, or where it may be construed that they have a personal interest [ege.g.](#); representation by family, friends, etc. In such cases the Divisional Manager shall review the matter.

REVENUE NSW SDRQ ENFORCEMENT PROCESS

Council currently has a "premium level" [Service Level Agreement contract](#) with [the Revenue NSW SDRQ](#). For each Penalty Notice that Council issues, no matter ~~what~~ the amount, [Revenue NSW the SDRQ](#) automatically deducts a set processing fee. This fee pays for various administrative services undertaken by [Revenue NSW the SDRQ](#) on Council's behalf, including the issuing of reminder letters, ~~l~~reviews of representations, processing of Court ~~A~~attendance Notices and the collection and transfer of monies.

[In accordance with the current Service Level Agreement, Revenue NSW The SDRQ currently](#) applies the following process for enforcing Penalty Notices [on behalf of Council](#):

- 1 Processing of Penalty Notice issued;
- 2 Penalty Notice reminder where correspondence has not been received (21 days);
- 3 Enforcement Order and administration fee issued where correspondence has not been received. (28 days);

PENALTY NOTICE REVIEW

COUNCIL POLICY

- 4 Cancellation of driver licence/vehicle registration;
- 5 Garnish offenders' wages and administration fee/ Sheriff's Office - Property Seizure Order;
- 6 Option to undertake community service/imprisonment.

ENQUIRIES FROM COUNCILLORS AND MEMBERS OF PARLIAMENT

To reassure the community that Council has an open and transparent system in dealing with Penalty Notices, all enquiries from Councillors and Members of Parliament relating to the issuing of a Penalty Notice must be submitted in writing to the General Manager.

A written reply shall be provided to the Councillor or Member of Parliament within ten (10) working days—and a copy of the reply will be stored on Council's document management system.

Councillors and Members of Parliament are not able to direct the cancellation of any Penalty Notice, nor are they able to contact Council Officers regarding the issuing of any Penalty Notice. Any Officer contacted directly by a Councillor on such matters has a duty to report the matter to their Director and/or General Manager and/or Professional Conduct Coordinator.

Council's Councillor Request system allows Councillors to enquire, on behalf of a community member, into a Regulation and Enforcement matter.

PENALTY NOTICE REVIEW


COUNCIL POLICY



Adopted by Council: [Date]

Document No: Z18/173732

FORM REVIEW OF PENALTY NOTICE



Privacy Notification (Privacy and Personal Information Protection Act 1998 – Section 10) - The personal information that Council is collecting from you on this application form is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 ('the Act'). The intended recipients of the personal information are officers within the Council and any person wishing to inspect the application in accordance with the Local Government Act 1993 or the Government Information (Public Access) Act 2009. The supply of the information by you is not voluntary and if you cannot provide or do not wish to provide the information sought, the Council will be unable to process your application. You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the legislation. Council is to be regarded as the agency that holds the information. Enquiries concerning this matter can be addressed to Council by telephoning 4227 7111.

CHOOSE FROM THIS DROP DOWN MENU

Date	
Penalty Notice Number	
Short Title of Offence	
Date of Offence	
Recipient	
Recipient's Address	
Penalty Amount	
Location of Offence	

COMMENTS

REVIEW RECOMMENDATIONS

Penalty to Stand
 Caution
 Withdrawn

ANNULMENT APPLICATION SCHEDULE RECOMMENDATION

Proceed to Court
 Caution
 No Action

REVIEWING OFFICER

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I ACKNOWLEDGE THE ABOVE RECOMMENDATION

CHOOSE	
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PENALTY NOTICE REVIEW

COUNCIL POLICY

REVIEW OF PENALTY INFRINGEMENT NOTICE

Date	
Penalty Notice Number	
Short title of offence	
Date of offence	
Recipient	
Offenders Address	
Penalty Amount	
Location of offence	

Comments:

Recommendation:

Penalty to Stand	<input type="checkbox"/>
Caution	<input type="checkbox"/>
Withdrawn	<input type="checkbox"/>

Reviewing Officer: _____ Date: _____

I acknowledge the above recommendation:

Assistant/Divisional Manager: _____ Date: _____

PENALTY NOTICE REVIEW

COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	Regulation and Enforcement
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	25 November 2013, 28 November 2011
Date of next review	November 2021
Responsible Manager	Compliance & Regulation Manager Manager Environment and Development Compliance
Authorised by	Manager Regulation and Enforcement

ITEM 15 POLICY REVIEW: FINANCIAL ASSISTANCE POLICY

This report proposes changes to Council's Financial Assistance Policy to ensure its relevance and readability. As part of this Policy review, a new Financial Assistance Procedures Management Policy has been endorsed by the Executive Management Committee which contains specific details and standard procedures relating to the various financial assistance streams.

RECOMMENDATION

- 1 Council revoke the existing Financial Assistance Policy adopted 30 November 2015.
- 2 Council endorse the new draft Financial Assistance Council Policy to go on public exhibition for 28 days.

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 Draft Financial Assistance Council Policy
- 2 Draft Financial Assistance Procedures Management Policy

BACKGROUND

Council's Financial Assistance Policy (adopted 30 November 2015) laid out the different programs by which Council provides financial assistance to organisations and individuals and included detailed procedures for the management of each program.

An audit report by KPMG, 'Sponsorships and Grants Policy and Controls' recommended that: "WCC review and update the Financial Assistance Policy to remove reference to specific programs, and instead to ensure the Policy remains relevant as Council programs continue to evolve."

PROPOSAL

As a result of the audit report, the new draft Financial Assistance Policy has been drafted for Council's endorsement to go on public exhibition for 28 days prior to coming back to Council for endorsement. A Financial Assistance Procedures Management Policy has been developed and endorsed by Executive Management Committee on 7 May 2019.

CONSULTATION AND COMMUNICATION

Consultation was undertaken with the following - Governance, City Strategy, Economic Development, Leisure Centres, Community Development, Cultural Services, Events and the Chief Financial Officer.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal 3 "Wollongong is a creative and vibrant city".

CONCLUSION

In order to have a more responsive policy with regard to the granting of financial assistance, a new Council Policy has been developed that removes mention of specific financial assistance programs and procedures. It is proposed this draft policy go on exhibition for 28 days prior to coming back to Council with community feedback for Council endorsement.



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

BACKGROUND

This policy has been developed in order to provide clarity regarding how Council can grant financial support to individuals and/or groups/organisations.

The Local Government Act 1993 (The Act) allows that a council may provide financial assistance to individuals or organisations for the purpose of exercising its functions. A decision to contribute financial assistance cannot be delegated to the General Manager or other persons, however Council may vote to delegate the implementation of Financial Assistance Programs, to the General Manager.

Council must be provided details of recipient and amount for all financial assistance granted. Where financial assistance has been provided under a specific program whose implementation has been delegated to the General Manager, Council should be advised of financial assistance under each program (including details of recipient and amount).

OBJECTIVE

The main objective of this policy is to –

- 1 Provide financial assistance in a consistent, equitable and transparent manner that meets the requirements of the Local Government Act, 1993.

POLICY STATEMENT

This policy outlines a process by which Council can distribute community resources in a considered and transparent manner.

Under this policy, recipients may include not-for-profit individuals and organisations as well as those who act for private gain.

POLICY REVIEW AND VARIATION

- 1 Council is to have the 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.

FINANCIAL ASSISTANCE POLICY

COUNCIL POLICY

PROCEDURES

1. Provision of financial assistance to not-for-profit recipients.

Financial Assistance may be provided to not-for-profit recipients through a resolution of Council, or by implementation of a Financial Assistance Program included in this policy. Methods of submitting a proposal to provide financial assistance for Council approval include:

- Report to Council;
- Inclusion in the adopted Delivery Program and Annual Plan or by way of a specific project with details of recipient and amount;
- Via the Quarterly Review (of the Annual Plan) or the Six-monthly Progress Report (of the Delivery Program) by way of a specific project added throughout the year with details of recipient and amount.

In the interests of openness and transparency in Council decision making, all submissions must include details of recipient and amount proposed.

2. Provision of financial assistance to recipients who act for private gain.

Financial assistance may be provided to recipients who act for private gain through a resolution of Council, or by implementation of a Financial Assistance Program included in this policy.

There are special public notice requirements when proposing to provide financial assistance to a recipient who acts for private gain. A recipient who acts for private gain must not receive benefits until at least 28 days' public notice of Council's intention to consider the matter has been given. Public notice is required prior to Council's consideration of the matter. However, public notice is not required under two circumstances:

2.1 The financial assistance is part of a specific program, the details of which have been included in Council's Annual Plan for the year in which the financial assistance is proposed to be given; and where the program's proposed budget for that year does not exceed 5% of Council's proposed income from ordinary rates levied for that year; and where the program applies uniformly to all persons within the Wollongong LGA or to a significant group of persons within the area;

OR

2.2 The financial assistance is part of a program of graffiti removal work.

Regardless of whether public notice is required, where Council approval is being sought the usual Council meeting notification requirements will apply.

2.3 Financial Assistance – General Procedure

All financial assistance that is not part of a Financial Assistance Program detailed in this policy must be approved by Council.

FINANCIAL ASSISTANCE PROGRAMS

To be eligible for inclusion in this policy a Financial Assistance Program must meet all of the following criteria:

- The program must contribute to and align with the goals and strategies outlined in the Community Strategic Plan for the year in which the financial assistance is proposed to be given;
- The program's proposed budget for the year does not exceed 5% of Council's proposed income from ordinary rates levied for that year;
- The program applies uniformly to all persons within the Wollongong LGA or to a significant group of persons within the area.

FINANCIAL ASSISTANCE POLICY

COUNCIL POLICY

Each of Council's financial assistance programs has its own procedures and requirements.

- Council must publicise the opportunity for financial assistance and seek written applications. This is undertaken using a variety of mechanisms including: social media, print media, and information sessions.
- Those applications must be assessed against set criteria.
- The applications that meet the criteria and are recommended will be referred to the General Manager for approval under his delegated authority.
- Successful applicants will be advised to Council by way of a Council report to ensure transparency.

FINANCIAL ASSISTANCE POLICY

COUNCIL POLICY

SUMMARY SHEET		
Responsible Division	COMMUNITY SERVICES	
Date/s adopted	<i>Executive Management Committee</i> [updated by policy owner]	<i>Council</i> [DD Mmmm YYYY]
Date/s of previous adoptions	[DD/MM/YYYY]	
Date of next review	[Mmmm YYYY - Must be within next Term of Council]	
Legislative or other requirement for review DELETE THIS WHOLE ROW IF NOT APPLICABLE	[List review timeframe and Act, policy or other review requirement]	
Responsible Manager	COMMUNICATIONS AND ENGAGEMENT MANAGER	
Authorised by	DIRECTOR COMMUNITY SERVICES	



FINANCIAL ASSISTANCE PROCEDURES MANAGEMENT POLICY

ADOPTED BY EXECUTIVE MANAGEMENT COMMITTEE: [TO BE COMPLETED BY CORP SUPPORT]

BACKGROUND

This policy has been developed in order to ensure good governance and transparency in relationship to Council's provision of financial assistance.

The Local Government Act 1993 (The Act) allows that a council may provide financial assistance to individuals or organisations for the purpose of exercising its functions. A decision to contribute financial assistance cannot be delegated to the General Manager or other persons, however Council may vote to delegate the implementation of Financial Assistance Programs, as included in this policy, to the General Manager.

Council must be provided details of recipient and amount for all financial assistance granted. Where financial assistance has been provided under a specific program whose implementation has been delegated to the General Manager, Council should be advised of financial assistance under each program (including details of recipient and amount).

Specific Financial Assistance Programs covered by this policy:

- A Wollongong Heritage Fund
- B Small Cultural Grants Program
- C Small Grants NAIDOC Week Event
- D Sponsorship of Community Events
- E Contribution to Public Bands and Choirs
- F Minor Donations
- G Activities with Economic Benefit
- H Large Cultural Grants Program
- I Leisure Centre In-Kind Donations
- J Connecting Neighbours Grants
- K Signature Events

OBJECTIVE

The main objective of this policy is:

- 1 To provide financial assistance in a consistent, equitable and transparent manner that meets the requirements of the Local Government Act, 1993.

POLICY STATEMENT

This policy aims to allow for considered and transparent decisions to be made regarding the distribution of community resources.

Under this policy, recipients may include not-for-profit individuals and organisations as well as those who act for private gain.

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

POLICY REVIEW

This Management policy forms part of the four-year rolling policy review schedule for Management policies and will be reviewed within four years from the date of each adoption of the policy, or more frequently as required.

DRAFT

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

STATEMENT OF PROCEDURES

DEFINITIONS

For the purposes of this policy 'financial assistance' is defined as:

Payments given to individuals or organisations which are not commensurate with a reciprocal benefit received by Council.

It should be noted the following examples are not considered financial assistance and are therefore outside this policy:

- 1 Payments made in exchange for the provision of a service which Council may otherwise provide itself. This includes but is not limited to:
 - 1.1 Neighbourhood Youth Projects;
 - 1.2 Illawarra Children's Services;
 - 1.3 Illawarra Performing Arts Centre;
 - 1.4 Illawarra Regional Information Service;
 - 1.5 Destination Wollongong.
- 2 Statutory contributions such as SES, Rural Fire Service and NSW Fire Brigades.

PROCEDURES

1. Provision of financial assistance to not-for-profit recipients

Financial assistance may be provided to not-for-profit recipients through a resolution of Council, or by implementation of a Financial Assistance Program included in this policy. Methods of submitting a proposal to provide financial assistance for Council approval include:

- Report to Council;
- Inclusion in the adopted Delivery Program and Annual Plan or by way of a specific project with details of recipient and amount;
- Via the Quarterly Review (of the Annual Plan) or the Six-monthly Progress Report (of the Delivery Program) by way of a specific project added throughout the year with details of recipient and amount.

In the interests of openness and transparency in Council decision making, all submissions must include details of recipient and amount proposed.

2. Provision of financial assistance to recipients who act for private gain

Financial assistance may be provided to recipients who act for private gain through a resolution of Council, or by implementation of a Financial Assistance Program included in this policy.

There are special public notice requirements when proposing to provide financial assistance to a recipient who acts for private gain. A recipient who acts for private gain must not receive benefits until at least 28 days' public notice of Council's intention to consider the matter has been given. Public notice is required prior to Council's consideration of the matter. However, public notice is not required under two circumstances:

- 2.1 The financial assistance is part of a specific program, the details of which have been included in Council's Annual Plan for the year in which the financial assistance is proposed to be given; and where the program's proposed budget for that year does not exceed 5% of Council's proposed income from ordinary rates levied for that year; and where the program applies uniformly to all persons within the Wollongong LGA or to a significant group of persons within the area;

OR

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

2.2 The financial assistance is part of a program of graffiti removal work.

Regardless of whether public notice is required, where Council approval is being sought the usual Council meeting notification requirements will apply.

2.3 Financial Assistance – General Procedure

All financial assistance that is not part of a Financial Assistance Program detailed in this policy must be approved by Council.

FINANCIAL ASSISTANCE PROGRAMS

To be eligible for inclusion in this policy a Financial Assistance Program must meet all of the following criteria:

- The program must contribute to and align with the goals and strategies outlined in the Community Strategic Plan for the year in which the financial assistance is proposed to be given;
- The program's proposed budget for the year does not exceed 5% of Council's proposed income from ordinary rates levied for that year;
- The program applies uniformly to all persons within the Wollongong LGA or to a significant group of persons within the area.

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

A WOLLONGONG HERITAGE FUND

Aim: To encourage conservation work in heritage places in the Wollongong Local Government Area and retain cultural significance through the provision of financial assistance.

Administered by: Environmental Strategy and Planning Division

1 ELIGIBILITY

All applications must be for conservation works or conservation reports for heritage items listed in a current or draft Local Environment Plan. Applications relating to significant or contributory items within a Conservation Area may also be considered at the discretion of Council's Heritage Officers.

Where a project requires development consent or approval prior to the commencement of works, the consent/approval must be obtained for the project to be eligible for funding under this program.

Only those projects able to be completed by 31 May in the financial year for which the grant is offered will be considered.

Examples of eligible projects:

- Repair, maintenance or reinstatement of missing items on heritage places;
- Preparation of Conservation Management Plans or technical reports which will lead to conservation work.

2 PROJECTS NOT FUNDED

Funding will generally not be provided for the following projects:

- Where assistance is reasonably available from another source, (including, but not limited to, where the works relate to a large strata titled subdivision, or are subject to, or have been the subject of, a recent development approval process that could reasonably be expected to finance the conservation/ maintenance works);
- Where substantial assistance has previously been provided;
- Purchase of a heritage building, site or movable item;
- New additions to a heritage building (including new internal fittings such as kitchens and bathrooms);
- Relocation of a heritage building;
- Work on government-owned buildings or sites (with the exception of grave conservation works to significant graves within cemeteries, and similar scenarios);
- Work which is not conservation work;
- Where acquittal has not been received for a previous Wollongong City Council grant;
- Where the project has already been completed (except where works have been pre-approved by Council's Heritage Officer as urgent, and written confirmation that the project will still be considered for funding is provided).

3 ASSESSMENT CRITERIA

An objective scoring system will be applied to the following criteria by the assessment panel in order to rank the priority of applications.

- Does the project provide significant conservation outcomes, and demonstrate good conservation practice?
- Does the project contribute to broader conservation objectives? For example, is the item in a conservation area or part of a group of heritage items and/or is the project likely to encourage conservation of other heritage items?

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

- Is the item accessible to the public?
- Is the project highly visible from the public domain?
- Is the project urgent to avert a threat to a heritage item?
- Will not completing the project present additional risk for damage or loss to occur?
- Is the heritage item used as a private residence or by a not-for-profit organisation (ie not as a business premises)?
- Will any special or innovative technology be used in carrying out the conservation works?
- Will the project provide employment opportunities and heritage experience for local tradespeople?
- Has the project, or the site of the project, recently received grant funding either from Wollongong City Council or another source?

Note – It is not necessary for a project to meet all of these criteria.

4 LEVEL OF FUNDING AVAILABLE

The maximum level of funding per project will be limited to 50% of the total project cost, to a maximum dollar value of \$10,000 (excl GST) funding per project. Where financial assistance is being provided to a body that is registered for GST, Council may pay the grant plus GST, subject to the receipt of a valid Tax Invoice with the project acquittal.

Financial assistance may be provided for a project in excess of \$10,000 (excl GST), however this requires Council approval.

Applicants will be required to provide at least matching finance for all projects. Council reserves the right to offer assistance of less than 50% of the total project cost.

5 TIMING

The project must be completed and claims submitted by the end of May in the financial year for which the grant is allocated. It should be noted that grants are only paid on completion of projects as a reimbursement of demonstrated expenditure.

6 PROCEDURE

- Potential applicants should initially contact Council's Heritage Officer to discuss their project, by phoning (02) 4227 7524 or emailing council@wollongong.nsw.gov.au.
- The 'Application for Heritage Funding' form should be completed and submitted with any supporting documentation by the advertised closing date.
- All applications will be assessed by a sub-committee of the Wollongong Heritage Advisory Committee, under the guidance of Council's Heritage Officer, in accordance with the criteria set out in this policy.
- Those projects recommended for funding will be submitted to the General Manager for final approval, and all applicants advised of the outcome of their application.
- Details of approved funding will be reported to Council for information.

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

B SMALL CULTURAL GRANTS PROGRAM

Aim: To enliven the City with diverse cultural activities for the benefit of Wollongong's residents, workers and visitors. Specifically, the Program supports initiatives that assist the City of Wollongong in achieving the following key objectives:

- To encourage innovative approaches to cultural projects;
- To showcase the quality and diversity of arts practice in Wollongong and the role it plays in reflecting our community's aspirations and Wollongong's distinctive character;
- To increase community participation in the cultural life of the City;
- To endorse Wollongong as an exciting, contemporary and cosmopolitan city that values the culture of its residents;
- To build the capacity of organisations to deliver high quality innovative programs and services.

Administered by: Community Cultural and Economic Development Division

1 ELIGIBILITY

Funding through this program is open to residents of the Wollongong Local Government Area; community and cultural development organisations; physically and socially isolated communities; groups from diverse backgrounds; and young people.

The Small Cultural Grants Program makes funds available to individuals and not-for-profit community groups in the local cultural industry for music, performing arts, visual arts, crafts and other local cultural initiatives. Artists and communities who are culturally and linguistically diverse, and Aboriginal and Torres Strait Islanders are encouraged to apply.

Eligible projects must:

- Address issues highlighted in the City of Wollongong's Cultural Plan;
- Meet assessment criteria;
- Encourage community participation and involvement in community and cultural development activities;
- Occur in the specified financial year;
- Have a completed budget; and
- Supply quotes for booking of venues and outdoor spaces where applicable.

2 PROJECTS NOT FUNDED

Funding will generally not be provided for the following projects:

- Projects conducted outside the Wollongong LGA;
- Projects that have no direct benefit to Wollongong residents;
- Where funds are required to complete an accredited course of study;
- Where projects are primarily fundraising;
- Where projects carry forward a financial deficit;
- Where projects directly benefit an individual;
- Where projects are retrospective;
- Where a more appropriate funding source is available;
- Where projects are submitted by Government Departments or Agencies;
- Where projects will financially benefit a profit-making individual, organisation or Government Department;

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

- Where an acquittal has not been received for a previous Wollongong City Council grant;
- Where applications are received by Wollongong City Council after the published closing date;
- For insurance cover and lease or rent costs.

3 ASSESSMENT CRITERIA

Projects should meet the following assessment criteria:

- Demonstrate a strong community cultural development aspect that involves and benefits the broader community through participation in the process and activity;
- Reflect and enhance Wollongong's sense of place and local identity;
- Attract broad or new audiences by promoting greater community awareness of, and participation in, cultural activities;
- Use an innovative approach to the art form or activity proposed;
- Be completed in the financial year specified in the application; and
- Be achievable within the planned budget.

The assessment committee reserves the right to consider an application under a different category to that selected/nominated by the applicant, should it be determined appropriate to do so.

4 LEVEL OF FUNDING AVAILABLE

Category 1 – Community Cultural Development Projects

This category supports local arts-based Community Cultural Development projects and events created by individual artists and communities within the City of Wollongong.

Applicants can request up to \$4,000.

Category 2a – Professional Development, Marketing and Minor Capital Support

This category provides support for local community-focused arts organisations, groups and cultural initiatives that have been established for three or more years, for professional development, marketing and minor capital support.

Applicants can request up to \$4,000.

Category 2b – New Initiatives: Professional Development, Marketing and Minor Capital Support

This category provides seed funding for local community-focused arts organisations, groups and cultural initiatives that have been established for less than three years, for professional development, marketing and minor capital support.

Applicants can request up to \$1,000.

5 TIMING

The annual round of the Small Cultural Grants Program is publicised each year. The Small Cultural Grants Committee selects successful applications according to the eligibility and assessment criteria outlined in this policy. Funds will be made available to successful applicants after 1 July. Projects must be acquitted by 30 June of the following calendar year.

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

6 PROCEDURE

- Applications for sponsorship will be invited annually for events to be held in the following financial year.
- Applications must be lodged via the online Sponsorship Application Form by the advertised closing date. The online application form is available on Council's website at www.wollongong.nsw.gov.au.
- Applicants must register as an online Council user to be able to complete their application.
- Applicants will be asked to lodge mandatory documentation. This includes a copy of their Constitution or Articles of Association with each application, if available and a budget.
- All applications will be assessed by a committee consisting of the Community and Cultural Development Manager, the Cultural Development Coordinator and two representatives from the community.
- Those applications recommended for funding will be submitted to the General Manager for final approval, and all applicants advised of the outcome of their application.
- Details of approved funding will be reported to Council for information.

C SMALL GRANTS NAIDOC WEEK EVENT

Aim: Wollongong City Council, through NAIDOC Week, seeks to involve as many people as possible in the celebration of the history, culture and achievements of the local Aboriginal and Torres Strait Islander community.

The grant assists the City of Wollongong in achieving the following key objectives:

- To endorse Wollongong as a vibrant and exciting city that values the culture of its traditional owners;
- To showcase the significance and diversity of the local Aboriginal and Torres Strait Islander culture and history;
- To increase community understanding of local Aboriginal and Torres Strait Islander culture and history;
- To strengthen community wellbeing through participation in an event that celebrates the achievements and culture of the local Aboriginal and Torres Strait Islander community.

Administered by: Community Cultural and Economic Development Division

1 ELIGIBILITY

To be eligible for consideration, all applicants must:

- Be a not-for-profit community organisation;
- Be proposing an activity that will occur as part of NAIDOC week;
- Ensure that the application is post marked or received by Council by the published closing date;
- Provide events that encourage community participation and involvement from the larger community; and
- Applicants must show they will achieve at least one if not more of the program objectives. A higher weighting will be given to applications that achieve a number of program objectives.

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

2 INELIGIBILITY

Grants will not be provided for:

- Activities which do not meet the eligibility criteria;
- Activities conducted outside the City of Wollongong LGA;
- Activities that are primarily fundraising;
- Activities where the benefit is directly to an individual;
- Activities submitted by Government Departments/agencies and/or schools;
- Activities which will financially benefit a profit-making individual, organisation or Government Department;
- Applicants that have not acquitted a previous Wollongong City Council grant;
- Applications received by Council after the published closing date.

3 ASSESSMENT PROCESS

- Applications will be considered by the Aboriginal Reference Group members, with their recommendations for support being noted by an appropriate Council Officer.
- Applications recommended for support will be forwarded to the General Manager for final approval.
- Successful applicants will receive a letter outlining the terms of the approval and the allocation of funds.
- The successful applicant list will be reported to Council for information.

4 TERMS AND CONDITIONS

- Successful applicants will be required to issue Council a tax invoice/invoice for the grant amount.
- If the applicant is registered for GST, Council will pay the grant plus GST, subject to the receipt of a valid Tax Invoice.
- Council will not provide grants to applicants who do not have an ABN or supply a Statement by Supplier form with their Invoice.

5 LEVEL OF FUNDING AVAILABLE

A maximum of up to \$5,000 per grant application is available.

D SPONSORSHIP OF COMMUNITY EVENTS

Aim:

- To provide assistance for groups, organisations or individuals seeking to organise community events and activities;
- To ensure that a fair and transparent process is used in the allocation of event sponsorship funds;
- To further develop the range of existing events to maximise the economic and social benefits to the city;
- To ensure that funding is allocated to a range of events with emphasis on those considered strategically important;
- To ensure that Council receives appropriate recognition for its sponsorship contribution.

Administered by: Community Cultural and Economic Development Division

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

1 ELIGIBILITY FOR SPONSORSHIP

- Applications will be considered from not-for-profit groups, organisations or individuals seeking to organise an event within the Wollongong Local Government Area that has demonstrable benefit to the community.
- Sponsorship sought must be for a specific community event with a fixed timeframe. Ongoing operational, maintenance or administrative costs will not be sponsored.
- Successful applicants must sign and comply with a Sponsorship Agreement. This is a written evaluation to be provided within 60 days of the conclusion of the event. Preference will be given ideally to non-ticketed events.
- The following events will not be eligible for funding via this program:
 - Local events that only target a specific sector or group and do not actively engage the general broader community;
 - Fetes;
 - Conferences/Dinners;
 - Award presentations;
 - Political events;
 - Fundraising events available only to paid ticket holders;
 - Any event with sponsorship assessed as actual, potential or perceived conflict of interest between Council and the applicant or another sponsoring individual or organisation for such event.
 - Any event which is assessed as a risk management cost to Council.
 - Applicants who have received donations, grants or sponsorship from Council in the past two years will be ineligible for sponsorship funding if all requirements of the previous sponsorship have not been satisfactorily complied with and finalised.
 - Events will not be sponsored retrospectively.

2 ASSESSMENT CRITERIA

Eligible applicants will be prioritised according to the following assessment criteria:

- Citywide event (an event which encompasses the community of the whole of the City of Wollongong);
- Local community event that is inclusive and focuses on encouraging broad community participation, including but not limited to arts, culture and music;
- Sporting events of State or National significance held within the City of Wollongong LGA.

The assessment committee reserves the right to consider an application under a different category to that selected/nominated by the applicant, should it be determined appropriate to do so.

In assessing applications, the Committee will consider the event's social and economic benefit to the community, the expected outcomes of the event, demonstrated need for funding, demonstrated financial capacity and responsibility of the applicant, availability of other funding sources, and appropriateness of the event.

In order to maximise community participation in sponsored events, applicants are encouraged to make attendance of their event free to the general public.

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

3 CONFLICT OF INTEREST

- Applicants must identify and declare any actual, potential or perceived conflict of interest (if applicable) in accordance with Council's Code of Conduct and Conflict of Interest Policy, which are available on Council's website.
- Any actual, potential or perceived conflict of interest posed by the potential sponsorship of an event will be identified as part of the assessment.
- No employee of Council may seek or receive a personal benefit or be perceived to receive a personal benefit as a result of sponsorship allocation from Council.

4 EVENT SUPPORT LEVELS

- Sponsorship funding for events held within the City of Wollongong LGA will be provided within the following parameters:
 - i Citywide events – funding to a maximum of \$15,000 + GST
 - ii Local general community events – funding to a maximum of \$5,000 + GST
 - iii Sporting events of State or National significance – funding to a maximum of \$5,000 + GST
- All sponsorship will be considered on a one-off basis and no guarantee is made for future sponsorship beyond the term described in the Sponsorship Agreement.
- Sponsorship arrangements for annual or ongoing events and activities may be subject to multi-year agreements over a period of up to four (4) years, at Council's discretion. Multi-year sponsorship is considered with a view to encouraging self-sufficiency for such events and activities, whilst at the same time maintaining a level of support which will guarantee their short term viability.

5 IN-KIND SPONSORSHIP

- Applicants must identify any in-kind sponsorship requested, including facilities for waste services, rebate of fees and charges, or any other Council-provided services or facilities.
- Requests for in-kind sponsorship will be assessed based on the criteria outlined in this policy and will be given a dollar costing at the normal rate of Council for such services or facilities. This value will be considered by the Sponsorship Allocation Committee along with all other sponsorship applications.
- A limited number of items are available for loan at no charge to event organisers, regardless of whether they are sponsored by Council. These include witches hats, barrier boards, bollards and sulo bins, and are subject to availability. To book equipment, event organisers must contact Council's Events and Functions Coordinator on (02) 4227 7111 or email events@wollongong.nsw.gov.au.

6 PROCEDURE

- Applications for sponsorship will be invited annually for events to be held in the following financial year.
- Applications must be lodged via the online Sponsorship Application Form by the advertised closing date. The online application form is available on Council's website at www.wollongong.nsw.gov.au.
- Applicants must register as an online Council user to be able to complete their application.
- Applicants will be asked to lodge mandatory documentation. This includes a copy of their Constitution or Articles of Association with each application, if available, and a budget.
- All applications will be assessed by the Sponsorship Allocation Committee, comprised of the General Manager, Manager Community Cultural and Economic Development or delegate, Communications and Engagement Manager, and Events Support Officer.

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- Applications will be prioritised in accordance with the assessment criteria of this program.
 - The Committee will recommend applications considered suitable for funding, with the General Manager having final approval.
 - Successful applicants will be advised of Council's sponsorship including conditions of sponsorship and the Sponsorship Agreement.
 - The successful applicant list will be reported to Council for information purposes.
 - Unsuccessful applicants will be notified of the outcome of their application.
 - Any application received which requires consideration outside of the parameters of this program will be submitted to Council for determination.
- 7 OUT OF ROUND APPLICATIONS
- Should there be sufficient funds remaining from the initial sponsorship allocation, out of round applications may be considered at Council's discretion.

E CONTRIBUTION TO PUBLIC BANDS AND CHOIRS

Aim: To support the public performance of community bands and choirs in the City of Wollongong Local Government Area.

Administered by: Community Cultural and Economic Development Division

1 ELIGIBILITY

- Applications will be considered from not-for-profit bands or choirs that are located and operate within the Wollongong Local Government Area.
- Groups must have membership that is open to the community, and be able to perform outdoors without amplification of sound.
- A community band is defined as 'a community-based group of experienced musicians playing together, with a conductor, and performing different parts as a group'. It will typically hold regular rehearsals and be available to perform in the community.
- A choir is defined as 'an organised group of singers who perform together, and typically whose numbers are large enough to incorporate small groups to sing different parts at different pitches'.
- School bands and choirs are not eligible for sponsorship under this program.

Successful applicants must sign and comply with a Sponsorship Agreement, which includes the requirement for:

- Acknowledgement of Council (including logo) equivalent to other similar amount sponsors and/or as stated within Council's Sponsorship Agreement;
- The applicant to obtain and comply with all certificates and approvals required by law for the operation of the band or choir, and any performances by the group;
- Council to have the opportunity to display banners (as supplied by Council) at the group's performances;
- Each sponsored band or choir to perform in a public place within the sponsorship period as follows:
 - Primary (or Senior) Bands to provide at least four performances, including two to be determined by Council, and two to be determined by the band and approved by Council;

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- Secondary (or Junior) Bands to provide at least two performances, including one to be determined by Council, and one to be determined by the band and approved by Council;
- Choirs to provide at least two performances at civic functions and events negotiated with Council;
- A written evaluation to be submitted at the conclusion of the sponsorship period.

Sponsorship applications will be considered ineligible for support if:

- They are not in keeping with the goals and values of the Wollongong 2022: Community Strategic Plan - available via the following link <http://www.wollongong.nsw.gov.au/council/publicdocuments/Pages/Wollongong2022.aspx>.
- They may be assessed as a risk management cost to Council.
- The applicant has not satisfactorily complied with and finalised all requirements of any donations, grants or sponsorship from Council within the previous two years.

2 ASSESSMENT CRITERIA

Eligible applicants will be prioritised according to the following assessment criteria:

- Appropriateness of the band/choir for community performances;
- Availability for performances at citywide events;
- Availability for performances at community-based events;
- Availability for performances at civic or other events;
- The financial capacity of the applicant.

3 CONFLICT OF INTEREST

- Applicants must identify and declare any actual, potential or perceived conflict of interest (if applicable) in accordance with Council's Code of Conduct and Conflict of Interest Policy which are available on Council's website.
- Any actual, potential or perceived conflict of interest posed by the potential sponsorship of a band or choir will be identified as part of the assessment.
- Council will not grant sponsorship to bands or choirs whose objectives and/or missions are in actual conflict with Council's policies.
- No employee of Council may seek or receive a personal benefit or be perceived to receive a personal benefit as a result of sponsorship allocation from Council.

4 SUPPORT LEVELS (PER ANNUM)

- Sponsorship funding for bands and choirs will be provided within the following parameters:
 - Primary (or Senior) Bands to a maximum of \$2,000;
 - Secondary (or Junior) Bands to a maximum of \$1,000;
 - Choirs to a maximum of \$500.
- All sponsorship will be considered on a one-off basis and no guarantee is made for future sponsorship beyond the term described in the Sponsorship Agreement.
- Bands or choirs may be considered for multi-year agreements over a period of up to four (4) years, at Council's discretion. Multi-year sponsorship is considered with a view to encouraging self-sufficiency for groups.

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5 PROCEDURE

Applications for sponsorship will be invited annually for support of bands and choirs in the following financial year.

Applications must be lodged via the online Sponsorship Application Form by the advertised closing date. The online application form is available on Council's website at www.wollongong.nsw.gov.au.

Applicants must register as an online Council user to be able to complete their application.

Applicants will be asked to lodge mandatory documentation. This includes a copy of their Constitution or Articles of Association with each application, if available and a budget.

All applications will be assessed by the Sponsorship Allocation Committee, comprised of the General Manager, Manager Community Cultural and Economic Development or delegate, Community Cultural and Economic Manager, and Events Support Officer.

Applications will be prioritised in accordance with the assessment criteria of this program.

The Committee will recommend applications considered suitable for funding, with the General Manager having final approval.

Successful applicants will be advised of Council's sponsorship including conditions of sponsorship and the Sponsorship Agreement.

The successful applicant list will be reported to Council for information purposes.

Unsuccessful applicants will be notified of the outcome of their application.

Any application received which requires consideration outside of the parameters of this program will be submitted to Council for determination.

F MINOR DONATIONS

Aim: To provide assistance for groups, organisations or individuals within the City of Wollongong who are not eligible for sponsorship under any other Financial Assistance Program in this policy.

Administered by: Community Cultural and Economic Development Division

1 ELIGIBILITY

Applications will be considered from groups, organisations or individuals within the Wollongong Local Government Area who are not eligible for financial assistance under any other Financial Assistance Program in this policy.

Categories include:

- Selection to represent the City of Wollongong in a reputable national or international event. Applicants must be non-professional and have been selected for participation through a competitive process or officially recognised criteria (eg success at qualifying events or judging by expert panel).
- If selection was unable to be considered by any of the above processes then application assessment would be undertaken within the parameters of Council's Community Strategic Plan.
- If multiple local teams are selected in the same competition the highest qualifying team will be given preference. Where there is no clear differentiation, funds will be split across all applicants.
- Contribution to a not-for-profit organisation providing a recognised, necessary service to the Wollongong community which would otherwise be non-existent.

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Contribution to an organisation recognised under the Charitable Fundraising Act which provides significant support to groups or individuals within the Wollongong Local Government Area. The following activities will not be considered eligible for support:

- Participation in an event for which there is no recognised qualification process (eg where selection is automatic upon payment of entry fee or subscription).
- Volunteering activities, or courses of study undertaken by individuals.
- The production of publications or staging of exhibitions.

Donations will not be provided retrospectively.

The General Manager has delegated authority to approve any out of policy requests for donations of up to \$1,500 for exceptional circumstances/requests which align with Council's strategic objectives.

2 CONFLICT OF INTEREST

- Applicants must identify and declare any actual, potential or perceived conflict of interest (if applicable) in accordance with Council's Code of Conduct and Conflict of Interest Policy which are available on Council's website.
- Any actual, potential or perceived conflict of interest posed by the potential sponsorship of a band or choir will be identified as part of the assessment.
- Council will not grant sponsorship to groups or individuals whose activities, objectives or missions are in actual conflict with Council's policies.

3 SUPPORT LEVELS

Donations will be considered within the following parameters:

- Individual selection for a national or international event - maximum \$250.
- Selection of multiple residents of Wollongong Local Government Area for a national or international event - maximum \$500.
- Qualification by an entire team based in the Wollongong Local Government Area for a national or international event - maximum \$750.
- Where multiple residents or an entire team are selected for an event, the donation will be provided to the team or group as a whole, ie not to each individual.
- All other donations - maximum \$250.

4 PROCEDURE

- Applications must be lodged on Council's Application for Minor Donation form. This is an online form and is available on Council's website www.wollongong.nsw.gov.au or by calling (02) 4227 7111.
- Applicants using the online applications will need to register as an online Council user to be able to complete their application.
- There is no closing date for applications, however once the Minor Donations budget has been fully expended, no further allocations will be made in that financial year – even if the applicant meets all eligibility requirements.
- Requests for donations will be assessed by the relevant Council Officer to determine if the recommendation is submitted to the General Manager for approval.
- All applicants will be advised in writing of the outcome of their application.
- Upon approval of a donation, the Council Officer will arrange for payment to be made by cheque. Where the applicant is an individual, a cheque will be forwarded directly to the

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recipient. Where the donation is for an organisation, group or team, Council at its discretion may request a tax invoice or invoice before processing payment.

- Details of donation recipients will be reported to Council for information.
- Any application received which requires consideration outside of the parameters of this program will be submitted to Council for determination.

G ACTIVITIES WITH ECONOMIC OR INDUSTRY DEVELOPMENT

Aim:

- To provide support for activities that align with Wollongong City Council's Economic Development Strategy in the Wollongong Local Government Area.
- To ensure a fair and transparent process is used in the allocation of funding to activities with economic benefit.
- To support the Wollongong 2028 Community Strategic Plan goal: 'We have an innovative and sustainable economy'.

Administered by: Community Cultural and Economic Development Division

1 ELIGIBILITY

- This program is open to applicants who meet one or more of the eligibility criteria outlined below (either A or B).
- A: Activities with Economic or Industry Development
- To be considered under this program, applicants must clearly demonstrate how they successfully meet one or more of the following eligibility criteria:
 - Economic or industry development initiatives;
 - Projects or events that promote Wollongong, and/or locally based businesses and industry, outside the Illawarra region; or
 - Projects that support local business networks.
- B: Activities that support the development and delivery of signature events (as defined by Category 1 or 2 of the Wollongong Major Events Strategy 2016-20).

2 SELECTION CRITERIA

- A: Activities with Economic or Industry Development
 - Local employment opportunities are increased within a strong local economy (30%)
 - The region's industry base is diversified (30%)
 - The profile of Wollongong as the regional city of the Illawarra is expanded and improved (30%)
 - Wollongong continues to expand as a place of learning (10%).
- B: Activities that support the development and delivery of signature events
 - Reputational impact
 - Economic impact
 - Community and business engagement
 - Lifecycle and legacy.

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CONFLICT OF INTEREST

- Applicants must identify and declare any actual, potential or perceived conflict of interest (if applicable) in accordance with Council's Code of Conduct and Conflict of Interest Policy which are available on Council's website.
- Any actual, potential or perceived conflict of interest posed by the potential sponsorship of an activity or initiative will be identified as part of the assessment.
- No employee of Council may seek or receive a personal benefit or be perceived to receive a personal benefit as a result of sponsorship allocation from Council.

3 PROCEDURE

- To apply, applicants must provide a completed application form and claims against each of the eligibility criteria.
- Unsuccessful applicants will be notified of the outcome of their application.
- All applications will be assessed by the Economic Development Manager and Manager Community Cultural and Economic Development or a delegate.
- Applications considered suitable for funding will be forwarded to the General Manager for final approval, within Wollongong City Council's budgetary constraints.
- Successful applicants will receive a letter outlining the terms of the approval and the allocation of funds. They will be required to enter into a Funding Agreement with Wollongong City Council.
- Wollongong City Council will require successful applicants to provide regular updates and submit a written report at the conclusion of the funding term.

H LARGE CULTURAL GRANTS PROGRAM (WARD BASED ART GRANTS)

Aim: To enhance Community Cultural Development (CCD) programs on a ward funding basis.

CCD is a broad term covering a range of initiatives that give communities the opportunity to tell their stories, build their skills and be active participants in the development of their culture. CCD describes collaborations between community members and artists which can use any art form. These collaborations result in creative and social outcomes for the community and enhance community capacity to improve quality of life and sense of belonging for individuals and the wider community.

- To further enhance the community capacity for cultural development;
- To enable a place based cultural development program, that is developed and delivered by the local community in collaboration with an artist or artists;
- To encourage innovative approaches to cultural projects;
- To showcase the quality and diversity of arts practice in Wollongong and the role it plays in reflecting our community's aspirations and Wollongong's distinctive character;
- To increase community participation in the cultural life of the City;
- To endorse Wollongong as an exciting, contemporary and cosmopolitan city that values the culture of its residents; and
- To build the capacity of organisations to deliver high quality innovative programs and services.

Administered by: Community Cultural and Economic Development Division

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

1 ELIGIBILITY

Funding through this program is open to residents of the Wollongong Local Government Area, community and cultural development organisations, physically and socially isolated communities, groups from diverse backgrounds and young people.

The Large Cultural Grants Program makes funds available to individual artists and not-for-profit community groups in the local community for music, performing arts, visual arts, crafts and other local cultural initiatives. Artists and communities who are culturally and linguistically diverse, Aboriginal and Torres Strait Islander people are encouraged to apply.

Eligible projects must:

- Show alignment of the project or program with the City of Wollongong's Cultural Plan goals and objectives;
- Meet assessment criteria;
- Encourage community participation and involvement in community and cultural development activities;
- Occur in the specified 12 month period;
- Have a completed budget;
- Supply quotes for booking of venues and outdoor spaces where applicable;
- Be a new project or program that is not currently funded under Wollongong City Council's Financial Assistance Policy.

2 PROJECTS NOT FUNDED

Funding will generally not be provided for the following projects:

- Projects conducted outside the Wollongong Local Government Area;
- Projects that have no direct benefit to Wollongong residents;
- Where funds are required to complete an accredited course of study;
- Where a major component of the project or program is an event or festival;
- Where projects are primarily fundraising;
- Where projects carry forward a financial deficit;
- Where projects directly benefit an individual;
- Where projects are retrospective;
- Where a more appropriate funding source is available;
- Where projects are submitted by Government Departments or Agencies;
- Where projects will financially benefit a profit-making individual, organisation or Government Department;
- Where the project or program is currently funded by Wollongong City Council's Financial Assistance Policy;
- Where an acquittal has not been received for a previous Wollongong City Council grant;
- Where applications are received by Wollongong City Council after the published closing date;
- For insurance cover and lease or rent costs.

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3 ASSESSMENT CRITERIA

Projects should meet the following assessment criteria:

- Demonstrate a strong community cultural development aspect that involves and benefits the broader community through participation in the process and activity;
- Reflect and enhance Wollongong's sense of place and local identity;
- Attract broad or new audiences by promoting greater community awareness of, and participation in, cultural activities;
- Use an innovative approach to the art form or activity proposed;
- Be completed within the specified 12 month time period in the application;
- Be achievable within the planned budget;
- Show how your project or program aligns with the City of Wollongong's Cultural Plan goals and objectives.

4 CONFLICT OF INTEREST

- Applicants must identify and declare any actual, potential or perceived conflict of interest (if applicable) in accordance with Council's Code of Conduct and Conflict of Interest Policy which are available on Council's website.
- No employee of Council may seek or receive a personal benefit or be perceived to receive a personal benefit as a result of sponsorship allocation from Council.

5 LEVEL OF FUNDING AVAILABLE

The Large Cultural Grants program supports local arts-based Community Cultural Development projects/programs created by individual artists and communities in the City of Wollongong.

Total funding available is \$67,500 which is to be shared across three wards, allowing up to \$22,500 per ward.

Applicants can apply for up to \$22,500 per project or program.

All funding will be considered on a one-off basis and no guarantee is made for future funding beyond the term described in the Sponsorship Agreement.

6 TIMING

Calls for proposals for the Large Cultural Grants Program will be publicised at the beginning of each year.

The Large Cultural Grants Committee selects successful applications according to the eligibility and assessment criteria outlined in this policy. Funds will be made available to successful applicants after 1 July. Projects must be acquitted by 30 June of the following calendar year.

7 PROCEDURE

Applications must be lodged via the online Sponsorship Application Form by the advertised closing date.

The online application form is available on Council's website at www.wollongong.nsw.gov.au.

Applicants must register as an online Council user to be able to complete their application.

Applicants will be asked to lodge mandatory documentation. This includes a copy of their Constitution or Articles of Association with each application, if available and a budget.

All applications will be assessed by a committee consisting of the Community and Cultural Development Manager, the Cultural Development Coordinator and two community members.

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Those applications recommended for funding will be submitted to the General Manager for final approval and all applicants advised of the outcome of their application.

Details of approved funding will be reported to Council for information.

I LEISURE CENTRE IN-KIND DONATIONS

Donations will be considered to individuals or not for profit organisations in the form of in-kind donations to provide access to assist in enhancing their sporting opportunities locally or for fundraising purposes.

Financial Assistance through in-kind donations will be granted as follows:

Part A

- The provision of centre memberships to local athletes at Council's leisure facilities to enhance training opportunities within the LGA.

Part B

- The waiving of hire fees for not for profit organisations to facilitate fundraising opportunities.

Part C

- The provision of centre memberships to local schools and sporting organisations to assist in fundraising activities.
- Part D – The provision of club track access for nominated coaches affiliated with associated clubs providing coaching services for no cost.
- Part E - The provision of club track access for nominated officials on designated club events.

Aim:

Council's two leisure centres, located at Kanahooka and Gwynneville, have a number of facilities that provide significant benefit to the community. These facilities allow Council to be able to enhance the ability for local athletes and organisations to train and provide services locally.

The aim of this program is to:

- Enhance each athlete's ability to continue training at local facilities;
- Provide facilities that can be used locally to support community initiatives;
- Allow the leisure centres marketing opportunities within schools through the provision of a reciprocal benefit.

Administered by: Property & Recreation Division – Leisure Centres

1 ELIGIBILITY

Funding through this program is open to residents, sporting organisations and schools located within the Wollongong Local Government Area. Opportunities for in kind donations will be provided a maximum of once per financial year. Organisations or persons that are already recipients of grant funding, sponsorship or any other type of financial/in kind support from Wollongong Council will not be eligible for any in kind grant under this policy.

The in kind grants will provide free or subsidised access to the leisure centres. The type of access and/or subsidy will be granted based on the in-kind donation type being sought.

Part A - Individual Athletes

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- Under 14's will be provided restricted access to their sporting area only ie a swimmer will be given pool access only due to age restrictions/guidelines in using weight based equipment.
 - 14 years and over will be provided with full centre access, including a regular fitness assessment and individual training program.

Part B - Not for Profit Organisations

- Waiver of hire fees.

Part C - Fundraising

- Provision of a six week centre membership.

2 ASSESSMENT CRITERIA

Part A

- Reside in the Wollongong Local Government Area
- For sports currently operating from the centres (athletics, swimming, badminton, squash, table tennis), be a member of the local club operating from the centre
- Applicants must be non-professional and will demonstrate through past performance and or potential the ability to reach or exceed qualifying for state level or above championships or officially recognised criteria (e.g. success at qualifying events or judging by expert panel) within a 12 month period.
- Participation in an event for which there is no recognised qualification process will be ineligible (e.g. where selection is automatic upon payment of entry fee or subscription)
- Applicant will need to display the ability to apply coaching and technical instruction and display attitude, commitment and dedication to improving performance.
- Applicant will need to display ability or potential to work as part of a team.

Parts B & C

- Is a non-profit organisation and/or is registered under the Charitable Fundraising Act No 69 of 1991
- Demonstrates benefit to the community
- Receives the majority of its revenue from membership fees, donations or public subscriptions
- Is an organisation which supports and stimulates the local economy and reflects the community goals of Wollongong City Council Strategic Plan?
- Provides reciprocal promotional opportunity through the placement of a leisure centre approved advertisement or logo in the event advertising material or newsletter.

Parts D & E

- Maintains a current financial membership with an affiliated track club
- Demonstrates benefit to the community
- Coach or official must be nominated with an affiliated track club
- Coaches and officials must maintain relevant qualifications for activities performed
- Nominating clubs will be required to maintain current evidence of qualifications and or insurance relevant to activity being undertaken.

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

3 CONFLICT OF INTEREST

- Applicants must identify and declare any actual, potential or perceived conflict of interest (if applicable) in accordance with Council's Code of Conduct and Conflict of Interest Policy which are available on Council's website.

4 LEVEL OF FUNDING AVAILABLE

PART A

- The Leisure Centre Athlete Grants program supports local athletes currently utilising one of Council's Leisure Centres. A total of 10 memberships will be provided each year.

PART B

- No maximum limit will be set
- The amount of reduction granted be determined on an individual request basis in respect to:
 - Impact on current facility services
 - Costs incurred due to the event hosting including cleaning or set up/pack up costs etc.

PART C

- A maximum of one promotional membership will be provided per year to any to local schools and sporting organisation.

All funding will be considered on a one-off basis and no guarantee is made for future funding beyond the term described in the Sponsorship Agreement.

6 TIMING

Grants will be processed throughout the financial year on a monthly basis. Once the total allocation has been exhausted no further grants will be issued in that year.

7 PROCEDURE

Applications must be lodged via Council's Application for Minor Donation form. The online form is available on Council's website www.wollongong.nsw.gov.au or by calling (02) 4227 7111.

Applicants using the online applications will need to register as an online Council user to be able to complete their application.

There is no closing date for applications, however once the Minor Donations budget has been fully expended, no further allocations will be made in that financial year – even if the applicant meets all eligibility requirements.

Requests for donations will be assessed by the relevant Council Officer to determine if the recommendation is submitted to the General Manager for approval.

All applicants will be advised in writing of the outcome of their application

Upon approval of a donation, the Council Officer will arrange for payment to be made by cheque. Where the applicant is an individual, a cheque will be forwarded directly to the recipient. Where the donation is for an organisation, group or team, Council at its discretion may request a tax invoice or invoice before processing payment.

Details of donation recipients will be reported to Council for information.

Any application received which requires consideration outside of the parameters of this program will be submitted to Council for determination.

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

J CONNECTING NEIGHBOURS GRANTS

Aim: This program provides grants to community members and groups who want to make a positive impact on their local area and have a good idea how to do it. The program is about strengthening and celebrating neighbourhoods at the grass roots level, creating connections and encouraging collective action to build strong communities

Administered by: Community Cultural and Economic Development Division

1 SELECTION CRITERIA

Applicants

- Must be based in the Wollongong Local Government Area.
- Need to be community members with a shared idea, part of a community group, or representing a small community organisation (not a government agency or a large non-government or community organisation).
- Will 'match' the funding via in-kind and voluntary contributions.

The idea

- Is a new initiative and involves local residents.
- Connects people and/or strengthens the neighbourhood.

Funding

- Of more than \$250 will be managed by an incorporated organisation.
- Will need to be spent within six (6) months.

Ineligibility

- Existing projects.
- Projects co-ordinated/led by organisations in receipt of ongoing government funding. The organisations may act as the auspice and support community members to progress their ideas.

2 LEVEL OF FUNDING

The grants have two categories:

- A Up to \$250 for an individual who, along with at least two other community members, share an idea and want to make it happen; and
- B Up to \$1000 for projects where the community members have partnered with an incorporated organisation to auspice the funds and support the project.

3 TIMING

There will be two rounds of Grant funding each financial year. Applications will open:

- In February for projects to be delivered between July and December
- In August for projects to be delivered between January and June.

4 ASSESSMENT PROCESS

- Applications will be considered by a review panel consisting of Council officers and an independent.
- Applications recommended for support will be forwarded to the General Manager for final approval.
- Successful applications will receive a letter outlining the terms of the approval and the allocation of funds.

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

- The successful applicant list will be reported to Council for information.

K SIGNATURE EVENTS

The aim of the program is to support the attraction of 'Signature Events' to Wollongong building on our reputation as a city that attracts events with significant economic and branding benefits to the city.

Process: Destination Wollongong will bring event opportunities to Wollongong City Council to be considered as part of the Signature Events funding pool. Signature Events are considered on a case by case basis and identified as achieving a number of thresholds in the Tier 1 category. It is important to note that not all thresholds need to be met for an event to be eligible for Signature Event funding. For example, an event may boast strong regional exposure due to a dedicated television broadcast, but generate relatively low economic impact due to it being an elite, one-day event. Thresholds are indicative only and to be used as a guide.

Opportunities will be considered by the Manager Community Cultural and Economic Development and Destination Wollongong Officers. Applications recommended for support for amounts up to \$100,000 will be approved by the General Manager.

Where a bid is successful, a funding agreement will be drawn up between Destination Wollongong and the event organiser.

FINANCIAL ASSISTANCE PROCEDURES

MANAGEMENT POLICY

SUMMARY SHEET	
Responsible Division	Community Cultural & Economic Development
Date adopted by Executive Management Committee	[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]
Legislative or other requirement for review DELETE THIS WHOLE ROW IF NOT APPLICABLE	[List review timeframe and Act, policy or review requirement]
Responsible Manager	Communications & Engagement Manager
Authorised by	Manager Community Cultural & Economic Development

DRAFT

ITEM 16 POLICY REVIEW: CODE OF BUSINESS ETHICS

With the introduction of a new Model Code of Conduct and the review of Council's own Codes of Conduct, the Code of Business Ethics was reviewed to ensure consistency with the new Codes. This report presents a revised draft Code of Business Ethics for consideration by Council.

RECOMMENDATION

Council adopt the revised Code of Business Ethics.

REPORT AUTHORISATIONS

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

ATTACHMENTS

1 Draft revised Code of Business Ethics

BACKGROUND

With the review of Council's values and Codes of Conduct, a review of the Code of Business Ethics was triggered and undertaken. Changes made to the Code of Business Ethics include:

- Updating of Council's values
- Use of more direct and inclusive wording throughout the policy as administrative changes, without affecting the intent of the policy
- Removal of some wording relating to staff acceptance of gifts. Council's Codes of Conduct make clear its expectations of staff in terms of acceptance of gifts from suppliers and contractors.

PROPOSAL

It is proposed that this draft policy be reported to the same meeting of Council as the Codes of Conduct for adoption by Council.

CONSULTATION AND COMMUNICATION

Professional Conduct Coordinator

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.

CONCLUSION

The general content of Code of Business Ethics remains consistent with Council's Codes of Conduct and administrative changes only have been made to the draft document. It is appropriate that the Code of Business Ethics and Codes of Conduct are considered by Council at the same time.



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

BACKGROUND

Wollongong City Council works with private, public and non-profit sectors to provide a range of services to the community. Accordingly, organisations, service providers, small businesses and individuals can expect high standards of ethical behaviour from Councillors and members of staff. Underpinning these expectations are our organisational values. They drive our behaviour and reflect how we conduct ourselves in our business. The four-five values are:

<u>INTEGRITY</u>	-	<u>honest & reliable</u>
<u>RESPECT</u>	-	<u>inclusive & considerate</u>
<u>SUSTAINABLE</u>	-	<u>use our community's resources responsibly</u>
<u>ONE TEAM</u>	-	<u>together we deliver excellent service</u>
<u>COURAGE</u>	-	<u>challenge the norm to be better</u>

OBJECTIVE

This Code of Business Ethics provides guidance regarding the standards of ethical behaviour that organisations, service providers, small businesses and individuals can expect from Councillors and members of staff and that are expected of them, in their dealings with Council.

POLICY STATEMENT

Our values guide our actions in conducting business in a socially responsible and ethical manner. As an organisation, and as individuals, we respect, apply and comply with the law, support human rights and equal opportunity, protect the environment, achieve operational excellence and work for the benefit of our communities. Council officials will at all times act with honesty and integrity in an open and transparent manner, performing their roles efficiently, effectively and fairly, thereby attracting the highest level of confidence from our community.

POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 This policy will be reviewed concurrent to any review of Council's Codes of Conduct
- 3 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 BUSINESS ETHICS

COUNCIL POLICY

STATEMENT OF PROCEDURES

COUNCIL'S CODES OF CONDUCT

The Wollongong City Council Codes of Conduct set the requirements of conduct for Council officials in carrying out their functions. It reflects Council's determination to support the highest level of community confidence in the integrity of Council. The Codes of Conduct have been developed to assist Council officials to:

- Understand the standards of conduct that are expected of them;
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (Section 439 – *Local Government Act (NSW) 1993*); and
- Act in a way that enhances public confidence in the integrity of local government.

OUR KEY BUSINESS PRINCIPLES

The Wollongong City Council Codes of Conduct are based on the Model Code of Conduct for Local Councils in NSW and a number of key [ethical](#) principles and sets out [the](#) standards of conduct that meet these principles and statutory provisions applicable to local government activities. The key [ethical](#) principles that the Codes of Conduct are based on are:

Integrity

We must not place ourselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence us in the performance of our duties.

Leadership

We have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the Council. ~~This means promoting~~We promote public duty to others in the Council and ~~outside all others that we deal with~~, by our own ethical behaviour.

Selflessness

We have a duty to make decisions in the public interest and not act in order to gain financial or other benefits for ourselves, our family, friends or business interests. ~~This means making~~We make decisions because they benefit the public, not because they benefit the decision maker, or someone associated with the decision maker.

Impartiality

We ~~should~~ make decisions on merit and in accordance with our statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. This means fairness to all, impartial assessment, merit selection in recruitment and in purchase and sale of Council's resources, considering only relevant matters.

Accountability

We are accountable to the public for our decisions and actions and should consider issues on their merits, taking into account the views of others. This means recording reasons for decisions, submitting to scrutiny, keeping proper records, establishing audit trails and conducting audits.

Openness

We have a duty to be as open as possible about our decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. This means recording, giving and revealing reasons for decisions, revealing other avenues available to the client or business, when authorised, offering all information, communicating clearly.

Honesty

CODE OF BUSINESS ETHICS

COUNCIL POLICY

We have a duty to act honestly. We must declare any private interests relating to our public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. This means obeying the law, following the letter and spirit of policies and procedures, observing the Codes of Conduct, fully disclosing actual or potential conflict of interests and exercising any delegated authority strictly for the purpose for which the authority was delegated.

Respect

We must treat others with respect at all times. ~~This means~~We do not ~~using-use~~ derogatory terms towards others, ~~we observing-observe~~ the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision making.

In making our business decisions we strive to obtain the best value for money. Depending on the circumstances, our decision making takes into account many things including upfront costs, ongoing costs, suitability, quality, reliability, availability, experience, reputation, safety, legal compliance and environmental sustainability. While we strive to obtain the best price for goods and services we do not necessarily buy at the cheapest price nor sell at the highest price. Council is required to balance all relevant factors including initial cost, whole-of-life costs, quality, reliability and timeliness in determining true value for money.

Although Council business dealings must be transparent and open to public scrutiny, there will be times when information on Council's relationships with private sector suppliers of goods and services cannot be made publicly available, however we will always act fairly in our decision making. That means we are objective, reasonable and even-handed. It does not mean that we can satisfy everyone all of the time. We will publicly support our decisions unless we have to maintain confidentiality or protect privacy.

WHAT YOU CAN EXPECT FROM US

Council will ensure that all policies, procedures and practices related to tendering, contracting and the purchase of goods or services are consistent with best practice and the highest standards of ethical conduct. All Council procurement activities are based upon the following core business principles –

- Transparency of process;
- Accountability;
- Ethically managing potential conflicts of interest;
- Obtaining best value; and
- Monitoring and evaluation of performance.

In maintaining these business principles, Council will ensure that:

- Potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids;
- Procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and to allow for effective performance review of contracts;
- Tenders will not be invited unless Council has a firm intention to proceed to contract; and
- Council will not disclose confidential or proprietary information.

Council staff are bound by Council's Codes of Conduct. When doing business with the private sector, Council staff are accountable for their actions and are required to:

- Use public resources effectively and efficiently;
- Deal fairly, honestly and ethically with all individuals and organisations;
- Avoid any conflicts of interest (whether actual or perceived);
- Treat all tenderers for supply of goods and services equitably;
- Meet or exceed public interest and accountability standards;
- Abide by all relevant and applicable laws and regulations;
- Respect and follow Council's policies and procedures;
- Promote fair and open competition while seeking best value for money;
- Protect confidential information;
- Never solicit or accept remuneration, gifts or other benefits from a supplier or applicant for the

CODE OF BUSINESS ETHICS

COUNCIL POLICY

- discharge of official duties; and
- Respond promptly to reasonable requests for advice and information.

WHAT WE ASK OF YOU

We require all ~~private sector~~ providers of goods and services to observe the following principles when doing business with Council –

- ~~Secure access to~~ Be familiar with and comply with Council's procurement policies and procedures;
- Provide accurate and reliable advice and information when required;
- Declare actual or perceived conflicts of interest as soon as you become aware of the conflict;
- Act ethically, fairly and honestly in all dealings with Council;
- Take all reasonable measures to prevent the disclosure of confidential Council information;
- Refrain from engaging in any form of collusive practice, including offering Council employees inducements or incentives designed to improperly influence the conduct of their duties;
- Refrain from discussing Council business or information with the media;
- At all times be courteous towards the public, Council staff and councillors and not bring Council into disrepute;
- Obey all relevant laws and contractual obligations;
- Provide a safe work environment free of harassment or discrimination;
- Protect the safety of staff and others in the work environment and the public arena;
- Assist Council to prevent unethical practices in our business relationships;
- Comply with privacy legislation in relation to personal information obtained through dealings with Council or work undertaken for Council;
- Respect the environment, comply with environmental laws and have sustainable practices in the use of resources and waste management;
- Communicate clearly and respond promptly to questions resolving any issues quickly; and
- Provide ~~us~~ Council with a quality product or service on time that gives ~~us~~ value for money.

It is incumbent upon all ~~private sector~~ providers of goods and services to Council to declare to Council (at the earliest opportunity) ~~that if~~ they:

- Have ~~not~~ been convicted of fraud or a fraud-related offence, or, where the provider is a company, the directors have ~~not~~ been convicted of fraud or ~~a~~ fraud-related offences;
- Have ~~not~~ been declared bankrupt, ~~and are not or are~~ a director of a company that has entered into a Deed of Company Arrangement, been placed into External Administration or into Liquidation, or, where the tenderer is a company, the directors have ~~not~~ been declared bankrupt and are ~~not~~ a director of a company that has entered into a Deed of Company Arrangement, been placed into External Administration or into Liquidation; ~~and/or~~
- Have ~~not~~ had any corrupt findings recorded against them, or been identified as a person of interest, by the Independent Commission Against Corruption (ICAC).

This is a self-declaratory mechanism. The responsibility for such declaration at all times lies with the provider.

WHY IS COMPLIANCE IMPORTANT?

You should be aware of the consequences of not complying with Council's ethical requirements when doing business with Council. By complying with this Code of Business Ethics, you can avoid damaging allegations of unfair or unethical conduct in your dealings with this Council. Demonstrated corrupt or unethical conduct could lead to –

- Termination of contracts with Council;
- Loss of work;
- Damage to your reputation;
- Investigation for corruption;
- Matters being referred for criminal investigation; and
- Criminal Prosecution.

CODE OF BUSINESS ETHICS

COUNCIL POLICY

Consequences for Councillors, staff and delegates may include:

- Investigation;
- Misconduct charges;
- Loss of civic office for Councillors;
- Disciplinary action including termination of employment; and
- Potential criminal charges.

GUIDANCE NOTES

Gifts and Benefits

In general, Council expects its staff to decline gifts, benefits, travel or hospitality offered by parties with whom Council conducts business. You should refrain from offering any such 'incentives' to Council staff as all offers will be formally reported to Council by its officers.

~~Council only permits its staff to accept gifts if—~~

- ~~• Gifts are of token or nominal value;~~
- ~~• Refusal of a gift is likely to be perceived as rude or offensive to the party who is offering the gift; and~~
- ~~• The offer is not targeted at an individual officer.~~

Council staff involved in procurement, tendering or sales activities for Council are not permitted to accept any gift or benefit from a current or potential supplier or buyer.

If a gift is accepted, Council requires the staff member to record the gift in a publicly accessible Gifts and Benefits Register.

Conflicts of Interest

All Council staff are required to disclose any conflicts of interest. Council extends this requirement to all our business partners, contractors and suppliers. Should a conflict of interest arise or be recognised by you in your dealing with Council you must notify and declare this conflict of interest to Council in writing.

A conflict of interest occurs when a public official is in a position to be influenced, or appear to be influenced, by their private interests when doing their job. A conflict of interest can involve avoiding personal disadvantage as well as gaining personal advantage. A private interest may include social and professional activities, and interests with individuals or groups, including family and friends, as well as financial interests. There are different types of conflict of interest:

- **Actual conflict of interest:** A public official is in a position to be influenced by their private interest when doing their job.
- **Perceived conflict of interest:** A public official is in a position to appear to be influenced by their private interests when doing their job.
- **Potential conflict of interest:** A public official is in a position where they may be influenced in the future by their private interests when doing their job.
- **A pecuniary interest** involves a situation where there is the potential to gain or lose financially from a public position, for example from owning property, having unpaid debts to others, or receiving hospitality or travel.
- **A non-pecuniary interest** does not have a financial component. It can involve personal or family relationships or involvement in sporting, social or cultural activities that could influence a public official's judgement or decisions, even though there is no financial benefit to them.

Confidentiality

All Council information should be treated as confidential unless otherwise advised by Council.

Communication between Parties

All communication should be clear, direct and accountable (written confirmation) in order to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

CODE OF BUSINESS ETHICS

COUNCIL POLICY

Use of Council Equipment, Resources and Information

Council equipment, resources and information should only be used for the purpose for which it is made available by Council.

Contracted Employees

All contracted employees must comply with this Code of Business Ethics when doing business with Council. If you employ sub-contractor(s) in your work for Council, you must make your sub-contractor(s) aware of this Code and ensure that they observe this Code of Business Ethics.

Reporting Unethical Behaviour (Internal Reporting Policy)

Council is committed to promoting ethical behaviour. Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to Council's General Manager, Council's Public Officer or Council's Professional Conduct Coordinator. External reporting can also be made to:

- The Independent Commission Against Corruption 8281 5999
- NSW Ombudsman 9286 1000
- NSW Office of Local Government 4428 4100

Public officials who report corrupt conduct, maladministration or waste may be entitled to protection pursuant to the *Public Interest Disclosures Act (NSW) 1994*. This Act protects public officials who disclose corrupt conduct from reprisal or detrimental action, and ensures disclosures are properly investigated, and confidentiality is maintained. The Council has an adopted policy on Internal Reporting under the *Public Interest Disclosures Act (NSW) 1994*.

WHO TO CONTACT

If you have any questions regarding this Code of Business Ethics or if you wish to provide information about suspected corrupt conduct, you should contact Council's Public Officer on 4227 7684, the General Manager on 02 4227 7010, or Professional Conduct Coordinator on 02 4227 7731 or pcc@wollongong.nsw.gov.au.

CODE OF BUSINESS ETHICS

COUNCIL POLICY

SUMMARY SHEET		
Responsible Division	Office of the General Manager	
Date/s adopted	<i>Executive Management Committee</i> [updated by policy owner]	<i>Council</i> [DD Mmmm YYYY]
Date/s of previous adoptions	30/10/2017, 14/10/2013, 27/05/2008	
Date of next review	November 2020	
Legislative or other requirement for review	Concurrent with reviews of Codes of Conduct	
Responsible Manager	Professional Conduct Coordinator	
Authorised by	General Manager	

DRAFT

ITEM 17

TENDER T19/09 - DRY STACKED STONE RETAINING WALL REPLACEMENT - THE GROVE, AUSTINMER

This report recommends acceptance of a tender for the construction of a new structurally designed dry stacked stone retaining wall structure to replace the existing failed heritage wall structure adjacent to Nos. 25-29 The Grove, Austinmer in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

The existing heritage wall structure has failed due to the materials used in the original construction and the impact of adjacent tree roots on the wall itself. The replacement wall will use durable stacked rock and will provide stability to the embankment behind the wall.

RECOMMENDATION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Western Earthmoving Pty Ltd for the construction of a new dry-stacked stone retaining wall adjacent to 25-29 The Grove, Austinmer, in the sum of \$153,155.00, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Robert Ryan, Manager Project Delivery (Acting)
Authorised by: Andrew Carfield, Director Infrastructure + Works (Acting)

ATTACHMENTS

- 1 Location Plan

BACKGROUND

An existing dry stacked rock wall approximately 35m long with a maximum height of 1 metre, fronting 25-29 The Grove, Austinmer, provides support to the embankment behind. An investigation into the stability of this dry stacked retaining wall has found it to be failing and requires replacement. The wall is failing due to the degradation of the original claystone rocks making up the wall and the impact of the adjoining tree roots on the wall itself. The wall is located within the Austinmer Local Heritage Conservation Area which has dictated the type of construction for the replacement wall.

A design was developed for a replacement dry stacked retaining wall which compliments heritage values and comprises the following scope of works:

- Demolition of the existing failing retaining wall, including excavation of temporary batter slopes on the existing embankment and removal of a small number of trees which are impacting on the existing wall. The remaining adjacent trees will be protected during the works.
- Construction of a reinforced concrete spread footing for the new dry stacked stone retaining wall
- Construction of the dry stacked stone wall using more durable sandstone rocks (including backfilling of the temporary excavated batter slopes)
- Minor removal of the existing road pavement to accommodate stormwater drainage infrastructure
- Construction of a reinforced concrete drain for stormwater management
- Placement of woven jute matting and planting of vegetation to the embankment behind the wall for slope stability

- Construction of a new reinforced concrete vehicle layback to the access point of No. 23 The Grove, Austinmer
- Minor asphaltting works.

The proposed project as detailed above will address the concerns regarding the structural capacity of the existing wall and the long-term stability of the embankment whilst maintaining the heritage aspect of the location.

Tenders were invited for this project by the open tender method with a close of tenders of 10.00 am on Tuesday, 9 April, 2019.

Four (4) tenders were received by the close of tenders and all tenders have been scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Project Delivery, Infrastructure Strategy and Planning, Finance and Governance and Customer Service 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 – 35%
- 2 Appreciation of scope of works and construction methodology – 20%
- 3 Experience and satisfactory performance in undertaking projects of similar size, scope and risk profile – 10%
- 4 Staff qualifications and experience – 10%
- 5 Proposed sub-contractors – 5%
- 6 Project Schedule – 5%
- 7 Demonstrated strengthening of local economic capacity – 5%
- 8 Workplace Health and Safety Management System – 5%
- 9 Environmental Management Policies and Procedures – 5%

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

The Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account pre-determined weightings for each of the assessment criteria which provides for a total score out of 5 to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessment and the ranking of tenders.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

Name of Tenderer	Ranking
Western Earthmoving Pty Ltd	1
Cadifern Civil Pty Ltd	2
Donnelley Civil Pty Ltd	3
Concrete & Civil Pty Ltd	4

PROPOSAL

Council should authorise the engagement of Western Earthmoving Pty Ltd to carry out the construction of the replacement dry stacked stone retaining wall located between Nos. 25-29 The Grove, Austinmer in accordance with the scope of works and technical specifications developed for the project.

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

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

CONSULTATION AND COMMUNICATION

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

PLANNING AND POLICY IMPACT

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

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

RISK ASSESSMENT

The risk in accepting the recommendation of this report is considered low on the basis that the tender process has fully complied with Council's Procurement Policies and Procedures and the Local Government Act 1993.

The risk of the project works or services is considered medium based upon Council's risk assessment matrix and appropriate risk management strategies will be implemented.

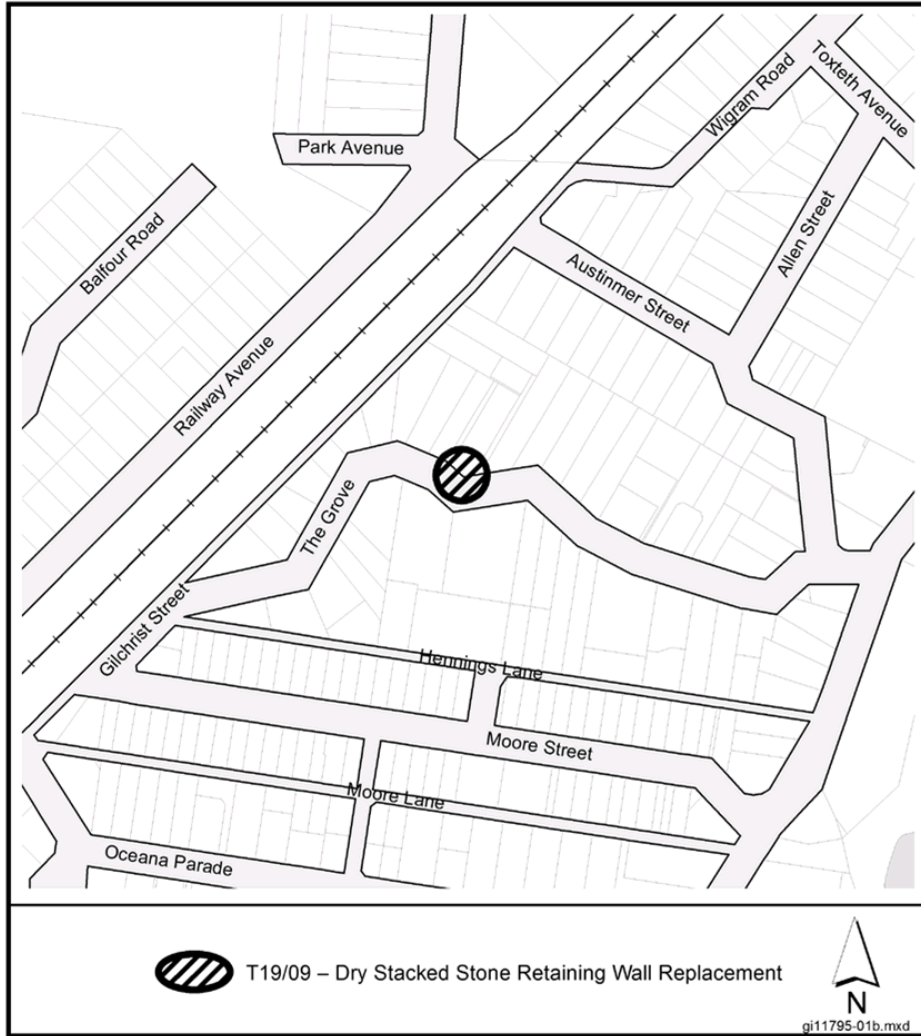
FINANCIAL IMPLICATIONS

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

2019/20 Capital Budget

CONCLUSION

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



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ITEM 18

CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD ON 17 APRIL 2019 AND ELECTRONIC MEETING HELD ON 7 MAY 2019

The City of Wollongong Traffic Committee meeting was held on 17 April 2019. Item 3.2 was determined by Council at its meeting on 6 May 2019 for reasons of urgency. Items 3.1 and 3.3 as well as the item from Electronic Meeting of the City of Wollongong Traffic Committee held on 7 May 2019 must be determined by Council and is recommended for approval for the temporary regulation of traffic on public roads for works or events by independent parties.

RECOMMENDATION

In accordance with the powers delegated to Council, the Minutes and recommendations of the City of Wollongong Traffic Committee Meeting held on 17 April 2019 and the Electronic Meeting held on 7 May 2019 in relation to Regulation of Traffic be adopted.

REPORT AUTHORISATIONS

Report of: Mike Dowd, Manager Infrastructure Strategy + Planning
Authorised by: Andrew Carfield, Director Infrastructure + Works (Acting)

ATTACHMENTS

- 1 Council - Standard Conditions for Road Closures
- 2 Mount Keira and Mount Kembla
- 3 Harry Graham Drive, Mount Kembla
- 4 Reconciliation Walk

BACKGROUND

1 BELLAMBI – WARD 1 (ITEM 3.1 of WCC MINUTES)

Friday 31 May 2019 – Cawley Road – Annual Reconciliation Walk

Background

In co-operation with the Aboriginal community, the staff at Bellambi Public School have planned to run a street parade on the north bound carriageway of Cawley Street Bellambi on Friday 31 May 2019. The proposal is to close this carriageway of Cawley Street to allow the parade to move from Holy Spirit College to Bellambi Public School where celebrations for Aboriginal Reconciliation will continue.

The event will take place between 10am and 11am on the day, where the detour for north bound traffic is via Turner Esplanade, Sellers Crescent and Rothery Street (eastern end).

Consultation

The applicant is required to consult with affected residents as a condition of approval for this event.

PROPOSAL UNANIMOUSLY SUPPORTED

The submitted traffic management plans be approved subject to Council's Standard Conditions for Road Closures.

2 MOUNT KEIRA AND MOUNT KEMBLA – WARD 2 (ITEM 3.3 of WCC MINUTES)

Sunday 28 July 2019 – Mountain to Mountain Fun Run/Walk

Background

Greenacres have organised the Mount Keira to Mount Kembla fundraising run/walk for Sunday 28 July 2019 with similar arrangements to previous years. The event begins at Edmund Rice College on Mt Keira Road West Wollongong and finishes at Mt Kembla Bowling Club on Harry Graham Drive Kembla Heights. The event involves rolling road closures on Mt Keira Road from 7.30am (Edmund Rice College) until 11am (Harry Graham Drive intersection) and the full closure of Harry Graham Drive from 9.30am until 3pm.

Mt Keira Road is to be opened progressively as participants pass Allan Street, Yates Avenue, Gipps Street, Clive Bissell Drive and Harry Graham Drive will remain closed for the duration of the event. As in previous years the organisers will run a shuttle bus to collect participants during the afternoon and especially after 3pm to ensure the road closures can be lifted. The two bus services which use the Allan Street Mt Keira Road route may be delayed slightly at the beginning of the event.

The organisers will need to be advised that in the event of an emergency on Picton Road or Mount Ousley Road that Mt Keira road may be needed as an emergency route for light traffic. In that event the Mountain to Mountain walk may need to be suspended. Vehicle mitigation plans has been included in the plans for the road closures, as required in 2018.

It is understood the organisers have been in contact with residents sporting clubs, scouts and guides who will be affected by the closures. Residents and visitors to properties on the event route will not be permitted to pass until all participants have cleared that section of roadway. A comprehensive plan for variable message boards to be paced on Mount Ousley Road, Picton Road, Clive Bissell Drive, Mount Keira Road and Cordeaux Road is part of the Traffic Management proposed.

Consultation

Consultation with affected residents and organisations with activities/facilities in the area is a condition of approval for this event.

PROPOSAL UNANIMOUSLY SUPPORTED

The proposed road closures of Mt Keira Road, Allan Street, Yates Avenue, Gipps Street, Clive Bissell Drive, Cordeaux Road and Harry Graham Drive on Saturday 28 July 2019 be approved subject to the amended submitted Traffic Management Plans including separation between vehicles and participants and Council's Standard Conditions for Road Closures.

3 HARRY GRAHAM DRIVE – WARD 3 (ELECTRONIC MEETING – 7 MAY 2019)

1 June and 20 July 2019 – Kembla Joggers Winter Series – Harry Graham Drive, Mount Kembla

Background

Kembla Joggers are proceeding with their winter race series at Kembla Grange and most events will be held off-road as in previous years. There is an on-road event on 1 June 2019 which begins and finishes at Darkes Road and proceeds through parts of West Dapto Road, Sheaffes Road and Paynes Road.

The original proposal was for a part closure on West Dapto Road but after consultation with the Police representative, it has been agreed that West Dapto Road needs to be closed for the duration of the event. It is now proposed to require the organiser to alter the Traffic Management Plans to show a full road closure with suitable vehicle mitigation in place on West Dapto Road. This change will also require detours to be in place around the closure.

The temporary road closures and regulation of traffic for this event will take effect from 12 noon until 4pm on each day. This item has been distributed to Police and Roads and Maritime Services representatives as an electronic meeting of the Traffic Committee and their comments taken into account.

Consultation

Community consultation is a condition of approval for this Agenda item.

PROPOSAL UNANIMOUSLY SUPPORTED

The regulation of traffic and road closures for West Dapto Road, Darkes Road, Sheaffes Road and Paynes Road be approved subject to:

- the Traffic Management Plans being altered to show vehicle mitigation and a full closure on West Dapto Road with detours around the area,
- Council's Standard Conditions for Road Closures and,
- a separate race related approval from the NSW Police.

PLANNING AND POLICY IMPACT

This 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

Standard Conditions for Road Closures

For Special Events and Work Related activities Within Council Road Reserves.

Following approval by Wollongong City Council, road closures are subject to the additional Council conditions:

1. **The Applicant must complete the Council form** 'Application to Open and Occupy or Underbore a Roadway or Footpath' (Refer to Checklist below – relates to Section 138 of the Roads Act.)
2. **NSW Police Approval:** The Applicant must obtain written approval from NSW Police, where required under the Roads Act.
3. **If the Road Closure is within 100m of any traffic control signals or on a 'State Classified Road'** the Applicant must obtain a Road Occupancy Licence (ROL) from NSW Roads & Maritime Services (RMS).
4. **The Applicant must advise all affected residents and business owners** within the closure area of the date/s and times for the closure, at least 7 days prior to the intended date of works.
5. **The Applicant must advise Emergency Services:** Ambulance, Fire Brigade and Police, Taxi and Bus Companies of the closure dates and times in writing, 7 days prior to the intended date of works. The Applicant must endeavour to minimise the impact on bus services during the closure.
6. **Traffic Management Plan:** The closure must be set up in accordance with the approved **Traffic Management Plan (TMP)** prepared by an appropriately qualified traffic controller; a copy of whose qualifications must be included with the submitted TMP.
7. **Traffic Management Plan Setup:** The Traffic Management Plan must be set up by appropriately qualified traffic control persons or the NSW Police.
8. **Access to properties affected by the road closure must be maintained where possible.** Where direct access cannot be achieved, an alternative arrangement must be agreed to by both the applicant and the affected person/s.
9. **Public Notice Advertisement:** The Applicant must advertise the road closure in the Public Notices section of the local paper, detailing closure date/s and times at least 7 days prior to the closure.
10. **Public Liability Policy:** The Applicant must provide Council with a copy of their current insurance policy to a value of no less than \$20 million dollars to cover Wollongong City Council from any claims arising from the closure.

Checklist:

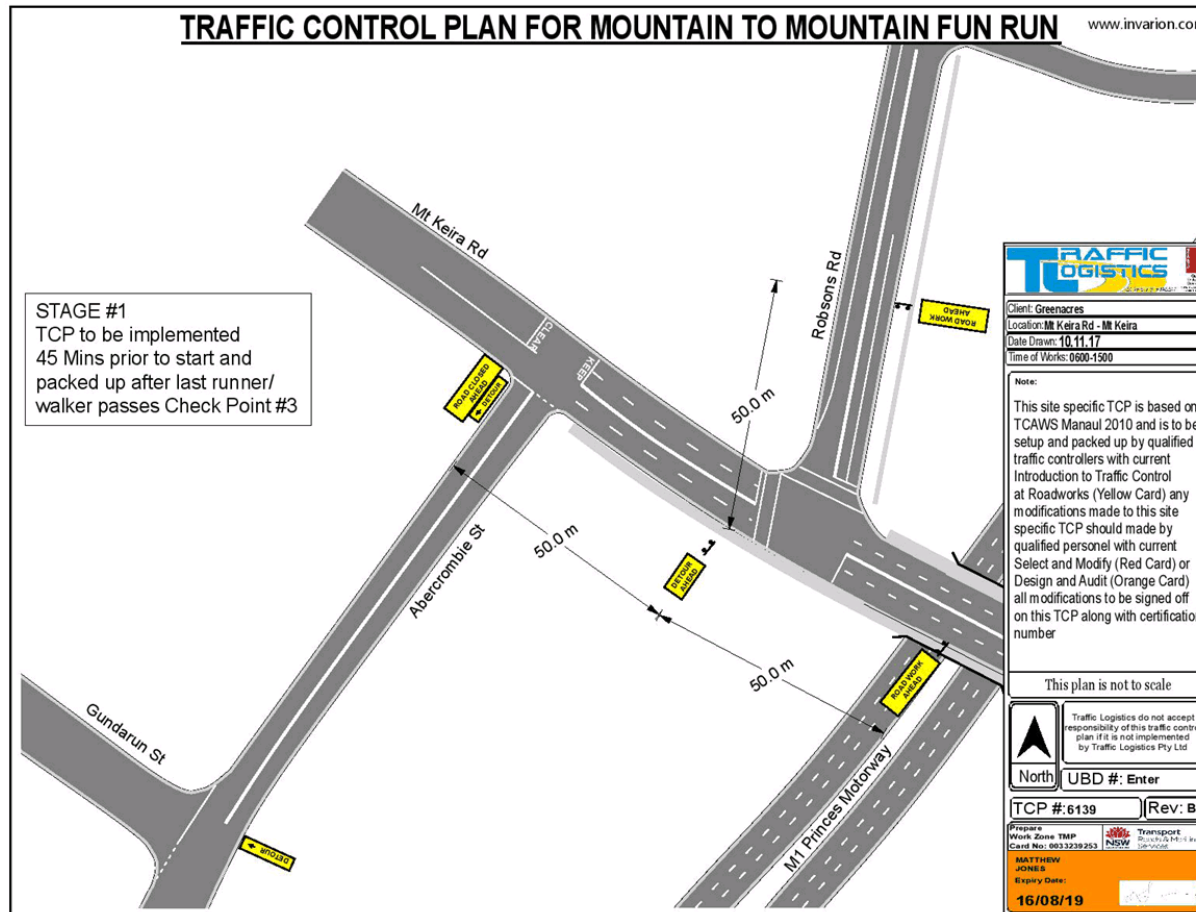
- Completed Council Form:**
'Application to Open and Occupy or Underbore a Roadway or Footpath'.

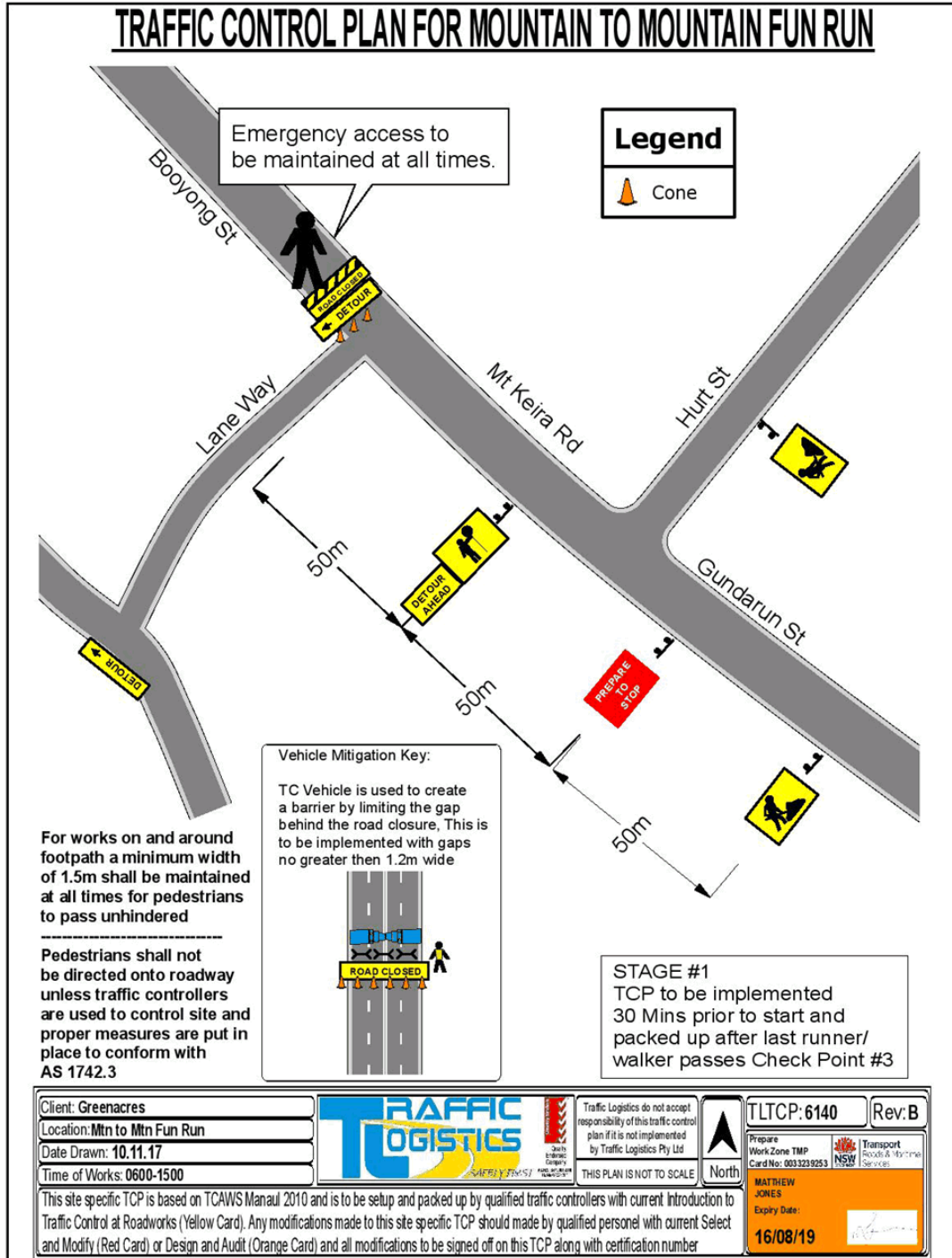
Required information as shown below MUST be attached:

- A copy of the letter from the Traffic Committee authorising the closure
- The Traffic Management Plan (TMP)
- The Road Occupancy Licence (ROL) *if required*
- Written approval from NSW Police
- Public Liability Insurance

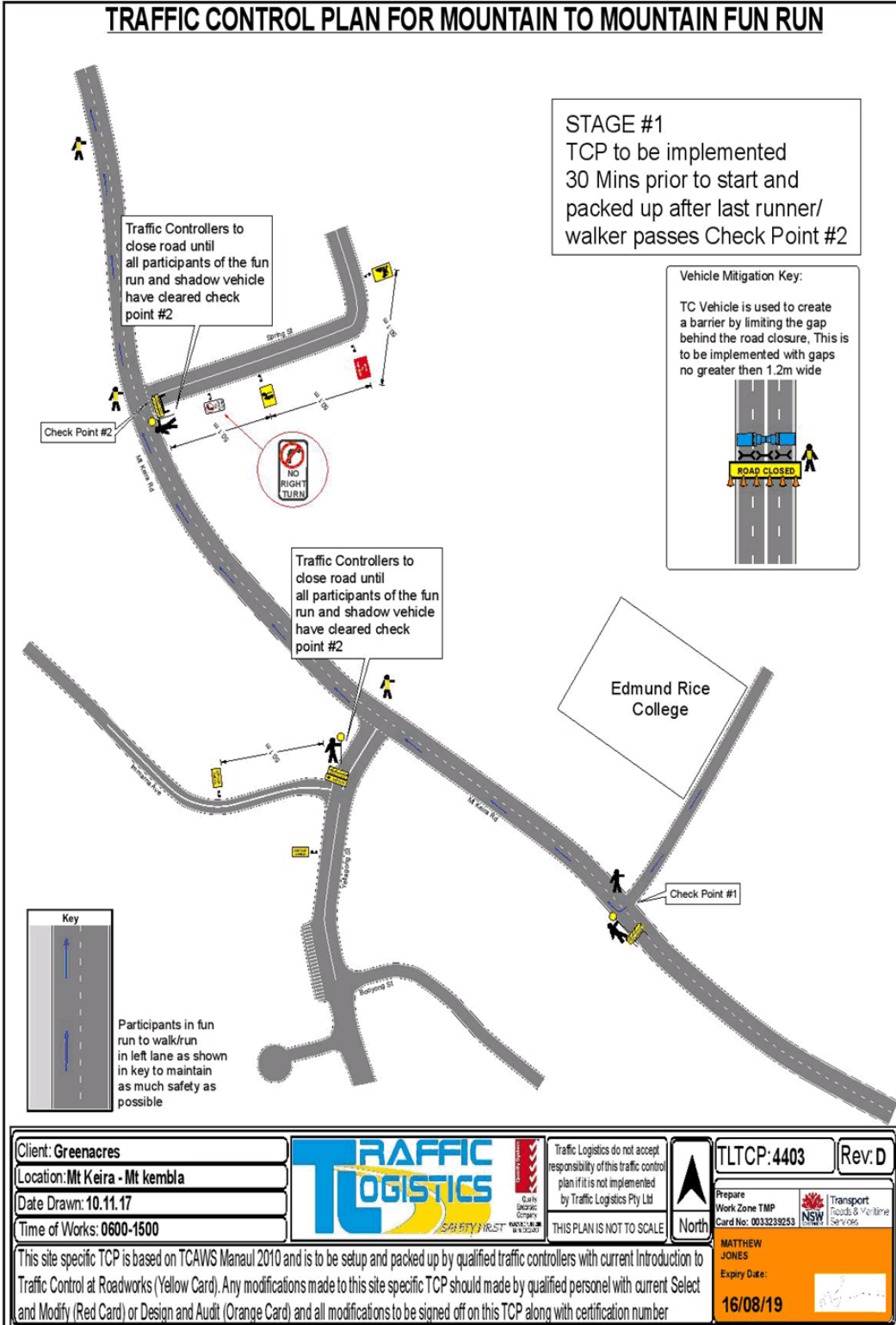
Applications may be lodged in the Customer Service Centre located on the Ground Floor of Council's Administration Building, 41 Burelli Street Wollongong between 8.30am and 5pm Monday to Friday.

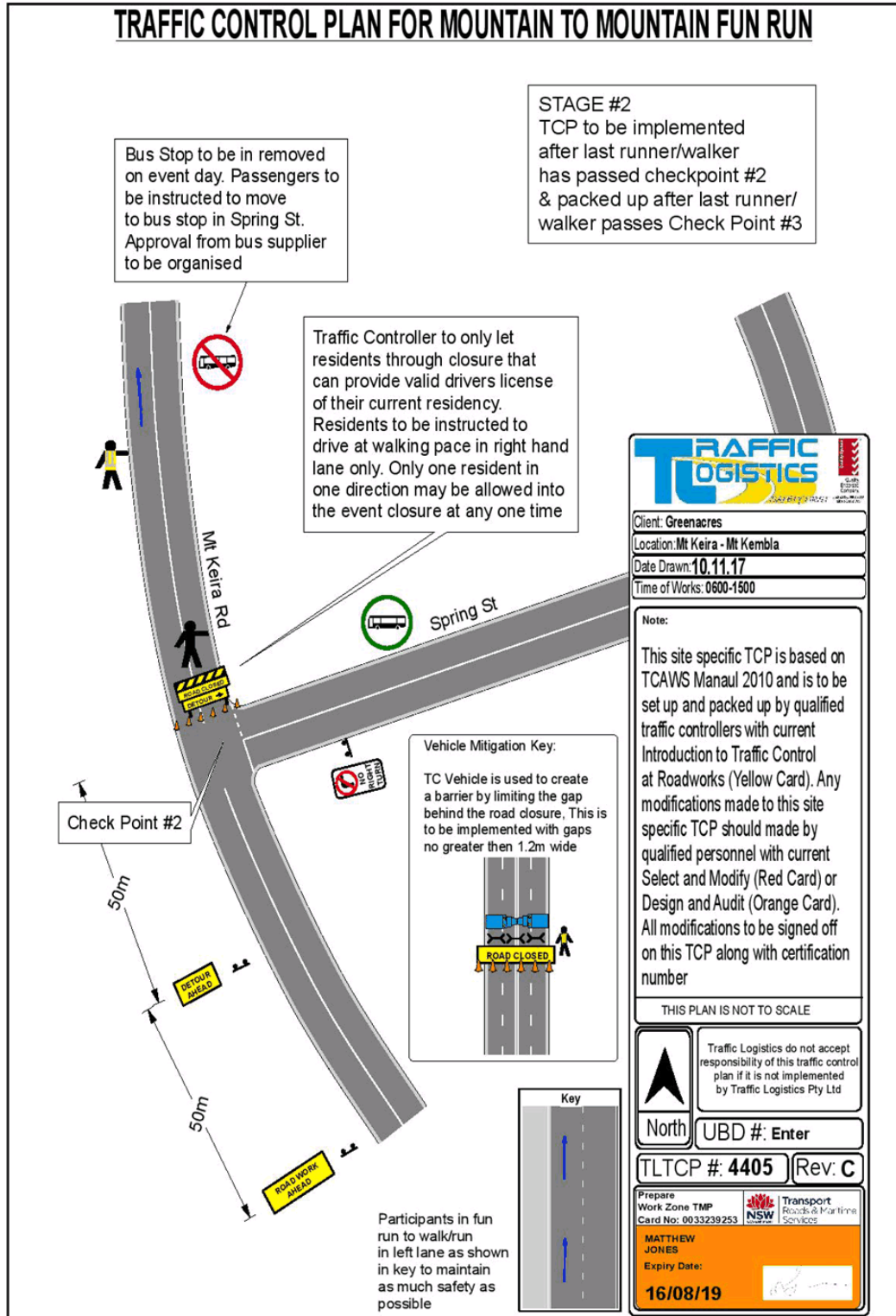
Attachment 2 - Plan - Mount Keira and Mount Kembla

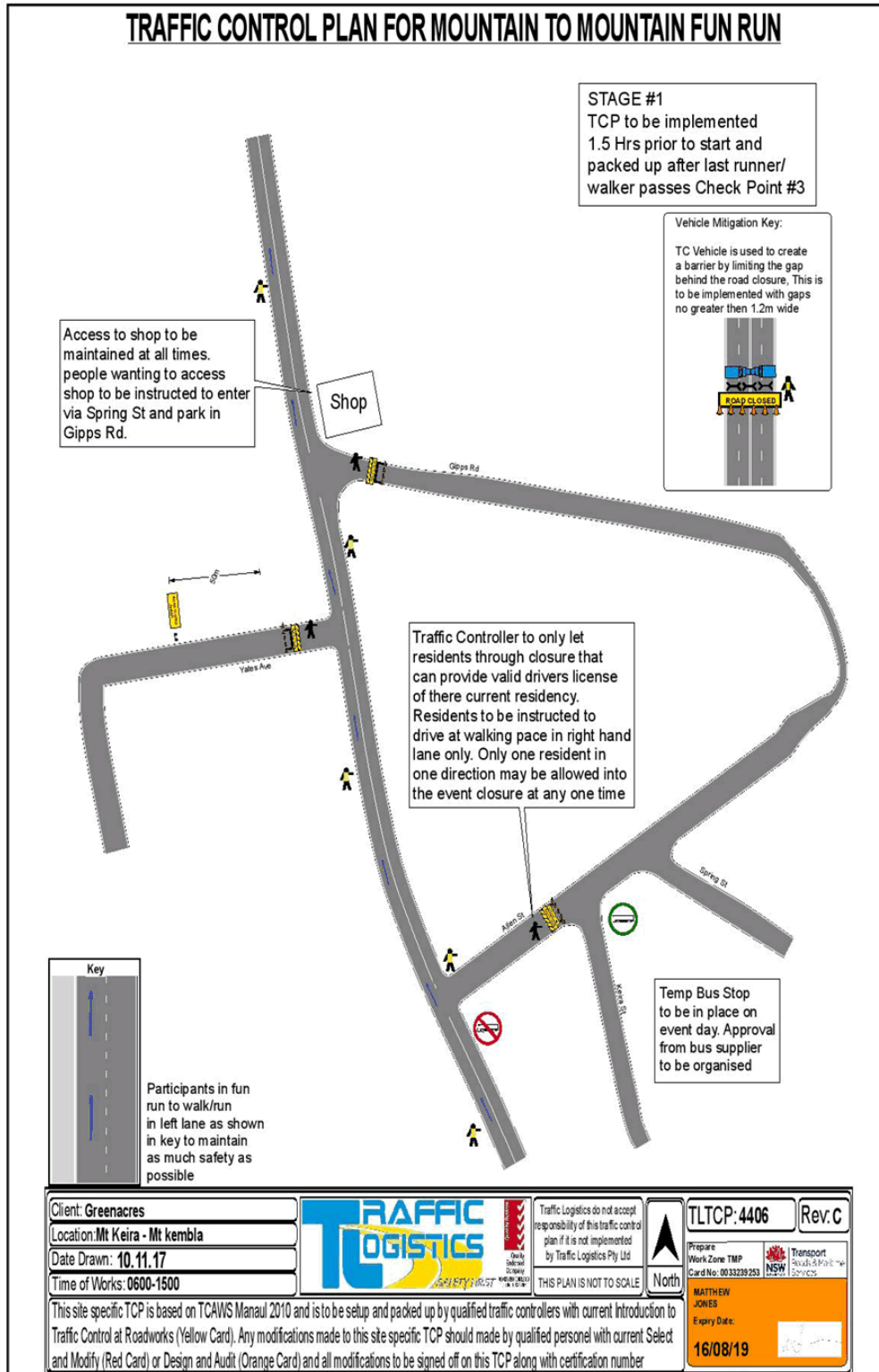




TRAFFIC CONTROL PLAN FOR MOUNTAIN TO MOUNTAIN FUN RUN







TRAFFIC CONTROL PLAN FOR MOUNTAIN TO MOUNTAIN FUN RUN

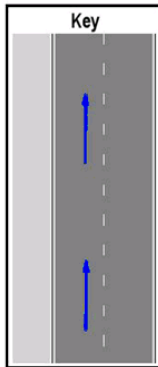
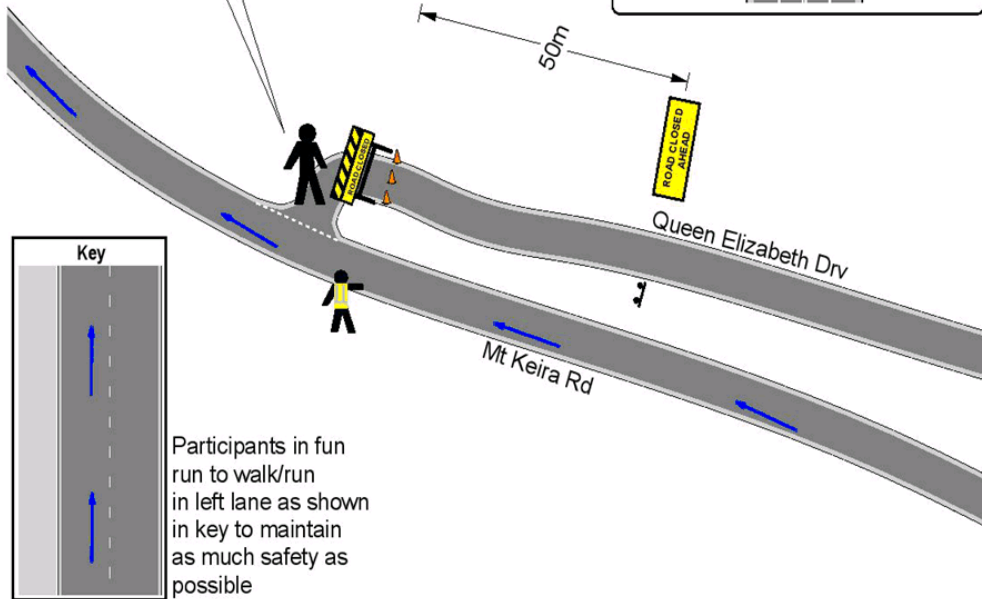
STAGE #1
TCP to be implemented
1 Hour prior to start and
packed up after last runner/
walker passes Check Point #3

Vehicle Mitigation Key:

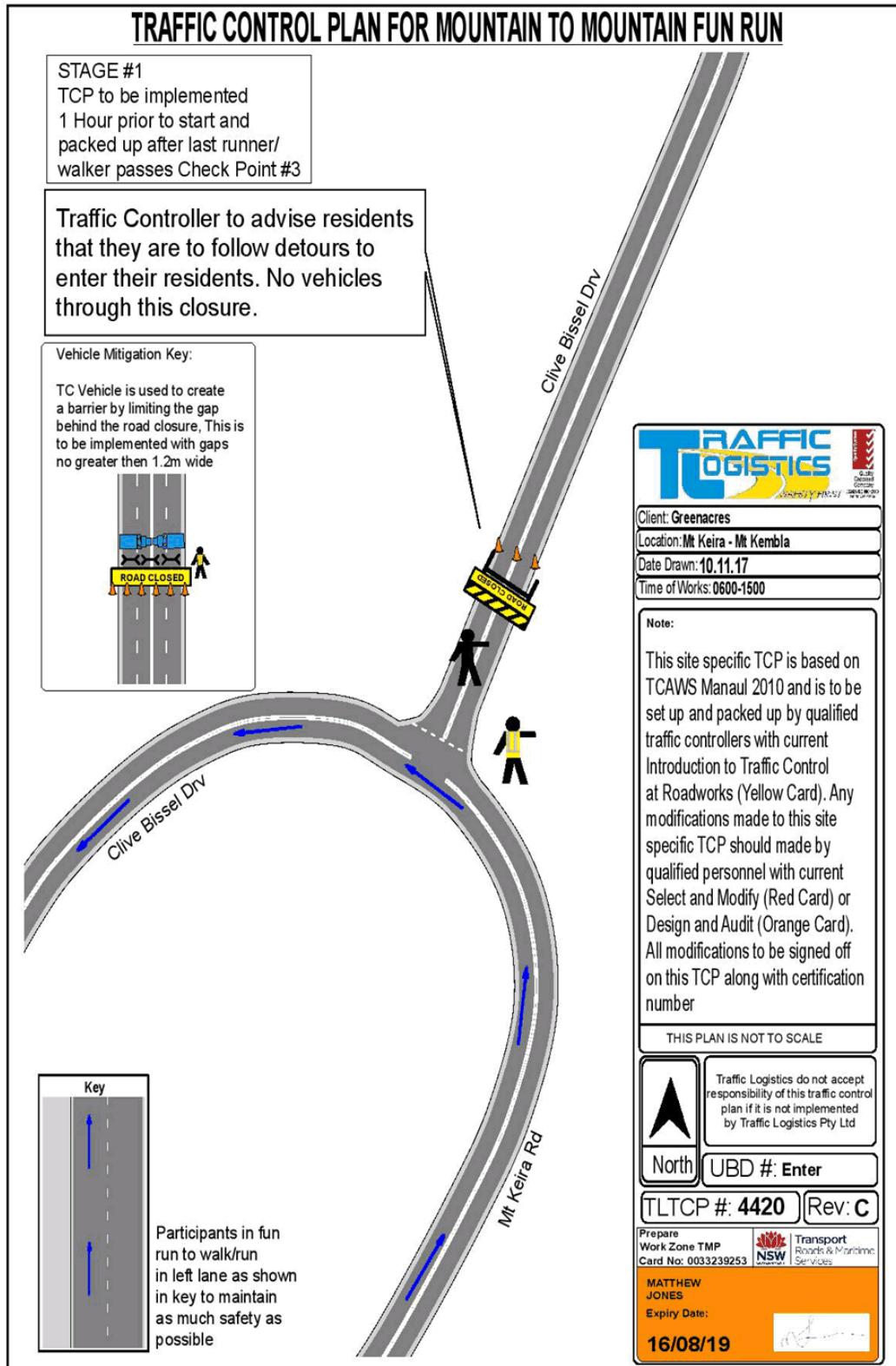
TC Vehicle is used to create
a barrier by limiting the gap
behind the road closure, This is
to be implemented with gaps
no greater than 1.2m wide



Traffic Controller to inform
any motorists trying to exit
Queen Elizabeth Drv that
long delays are to be expected.
Only once last participant and
shadow vehicle has cleared may
the exit down the mountain.



Client: Greenacres		Traffic Logistics do not accept responsibility of this traffic control plan if it is not implemented by Traffic Logistics Pty Ltd THIS PLAN IS NOT TO SCALE	TLTCP: 4407	Rev: C	
Location: Mt Keira - Mt kembla				Prepare Work Zone TMP Card No: 0033239253	
Date Drawn: 10.11.17					
Time of Works: 0600-1500	This site specific TCP is based on TCAWS Manual 2010 and is to be setup and packed up by qualified traffic controllers with current Introduction to Traffic Control at Roadworks (Yellow Card). Any modifications made to this site specific TCP should be made by qualified personnel with current Select and Modify (Red Card) or Design and Audit (Orange Card) and all modifications to be signed off on this TCP along with certification number				



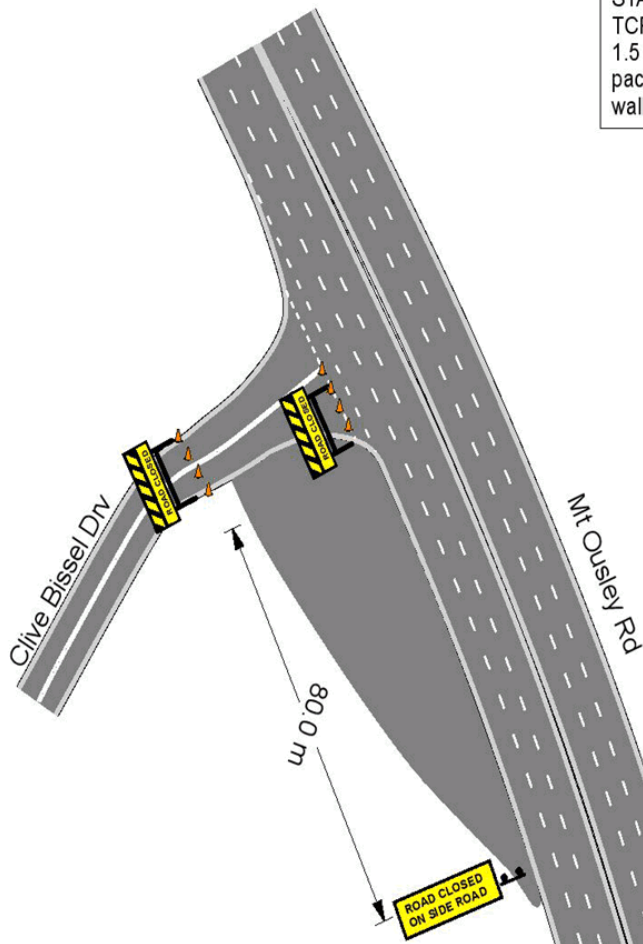
TRAFFIC CONTROL PLAN FOR MOUNTAIN TO MOUNTAIN FUN RUN

www.innovation.com

STAGE #1
TCP to be implemented
1.5 Hrs prior to start and
packed up after last runner/
walker passes Check Point #3

Legend

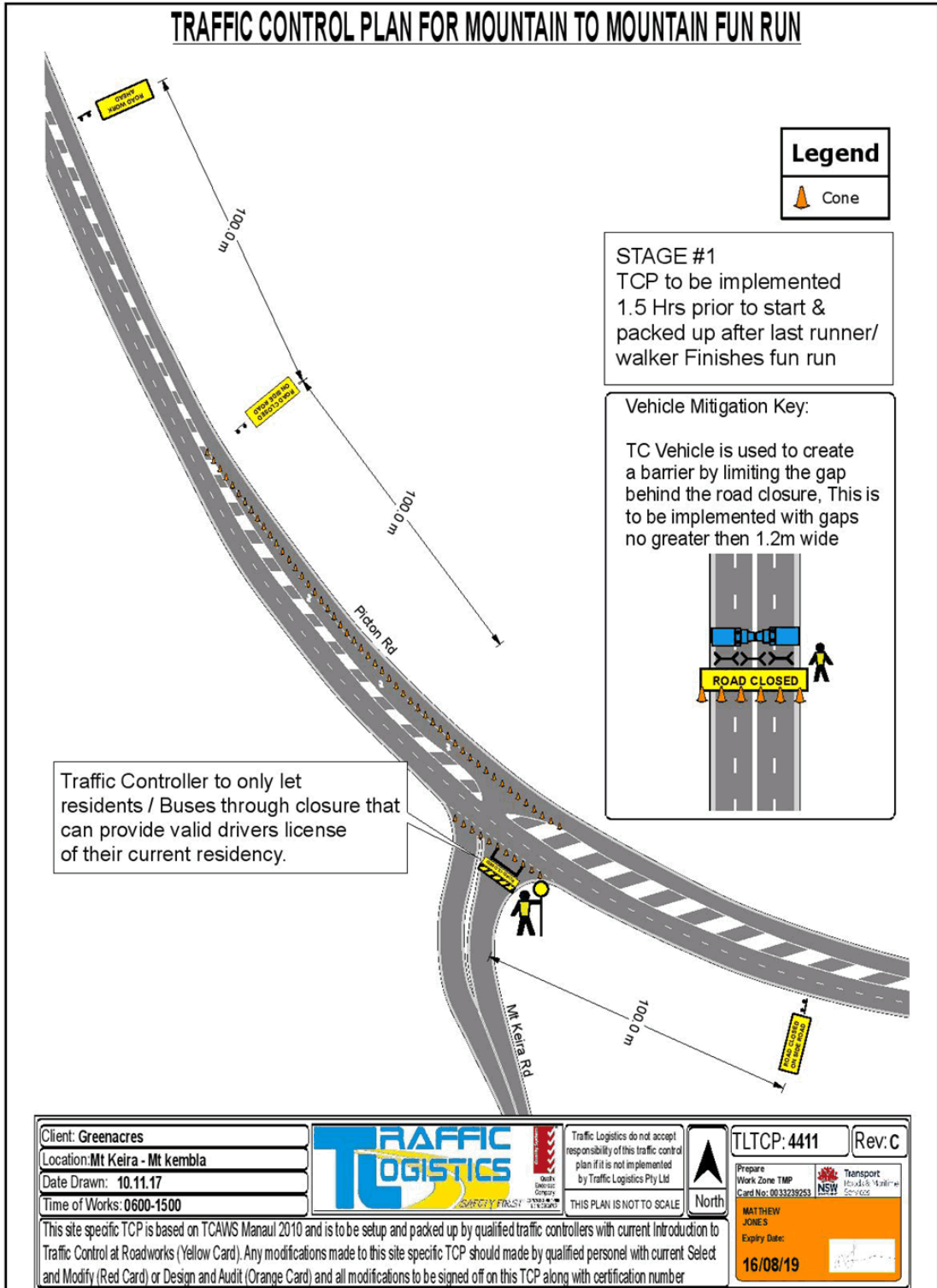
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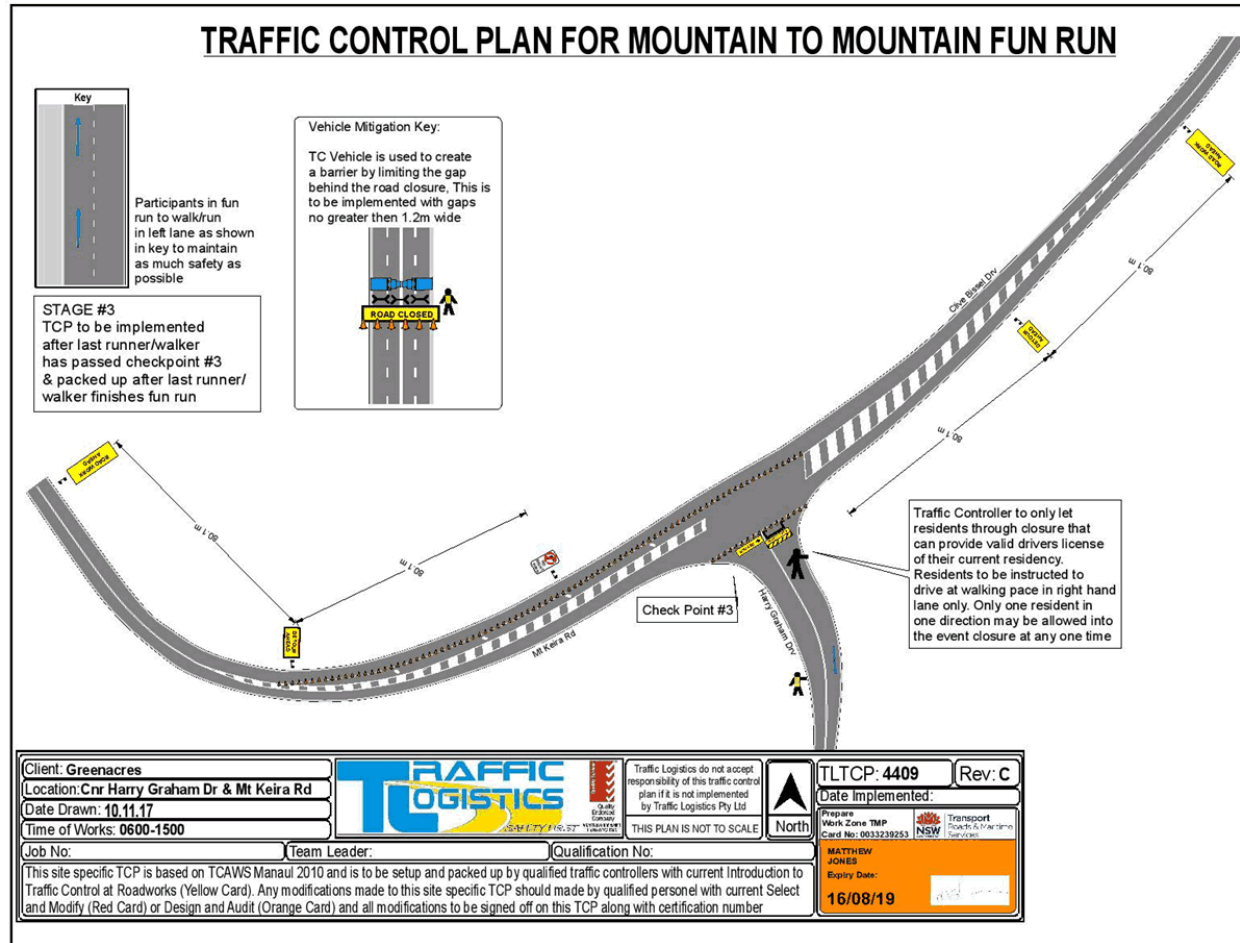


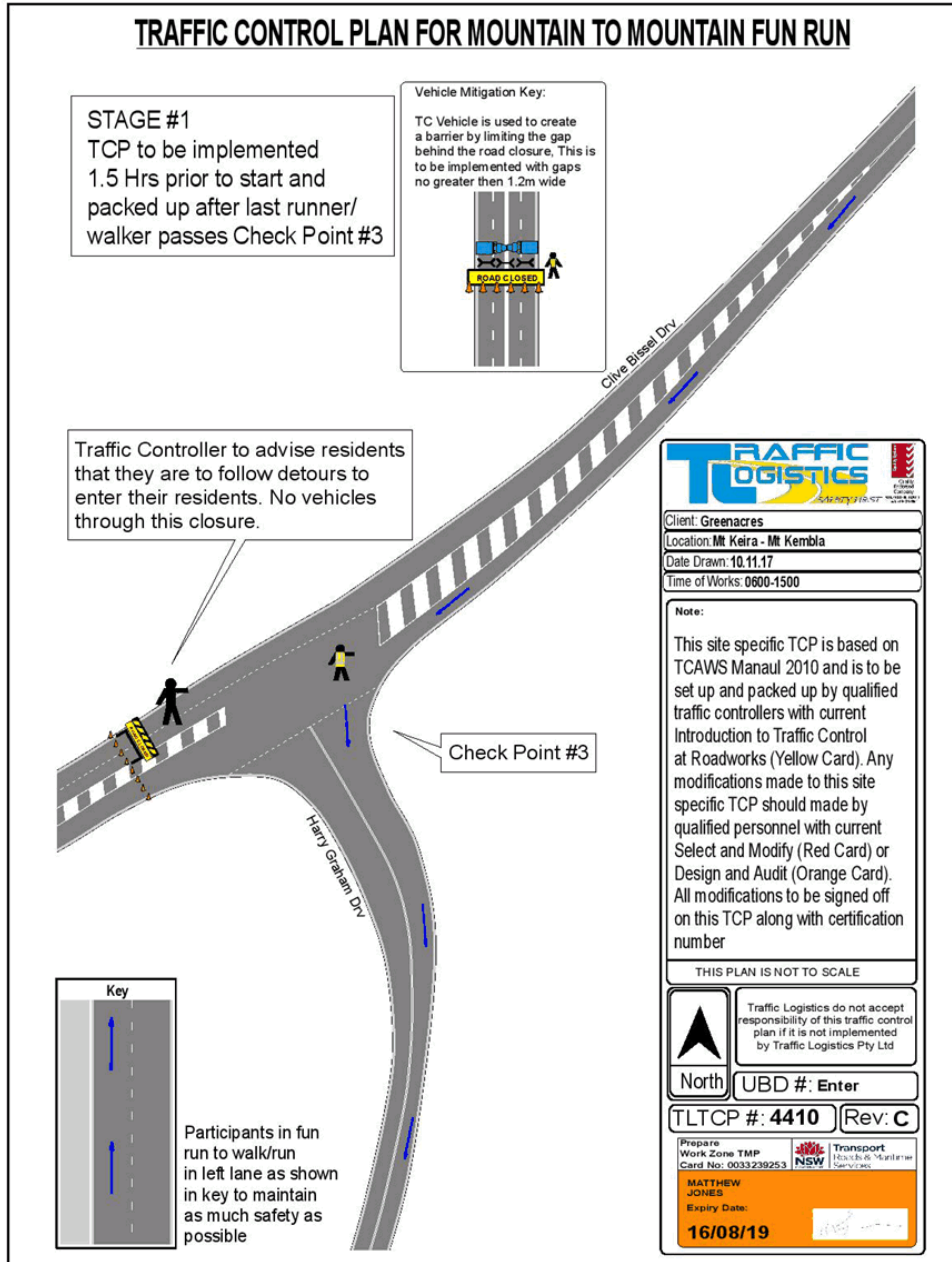
TRAFFIC LOGISTICS	
Client: Greenacres	
Location: Mt Keira - Mt Kembla	
Date Drawn: 10.11.17	
Time of Works: 0600-1500	
Note:	
This site specific TCP is based on TCAWS Manual 2010 and is to be set up and packed up by qualified traffic controllers with current Introduction to Traffic Control at Roadworks (Yellow Card). Any modifications made to this site specific TCP should be made by qualified personnel with current Select and Modify (Red Card) or Design and Audit (Orange Card). All modifications to be signed off on this TCP along with certification number	
THIS PLAN IS NOT TO SCALE	
North	Traffic Logistics do not accept responsibility of this traffic control plan if it is not implemented by Traffic Logistics Pty Ltd
TLTCP # 4408	UBD #: Enter
Rev: B	
Prepare Work Zone TMP Card No: 0033239253	NSW Transport Services
MATTHEW JONES	Expiry Date:
16/08/19	

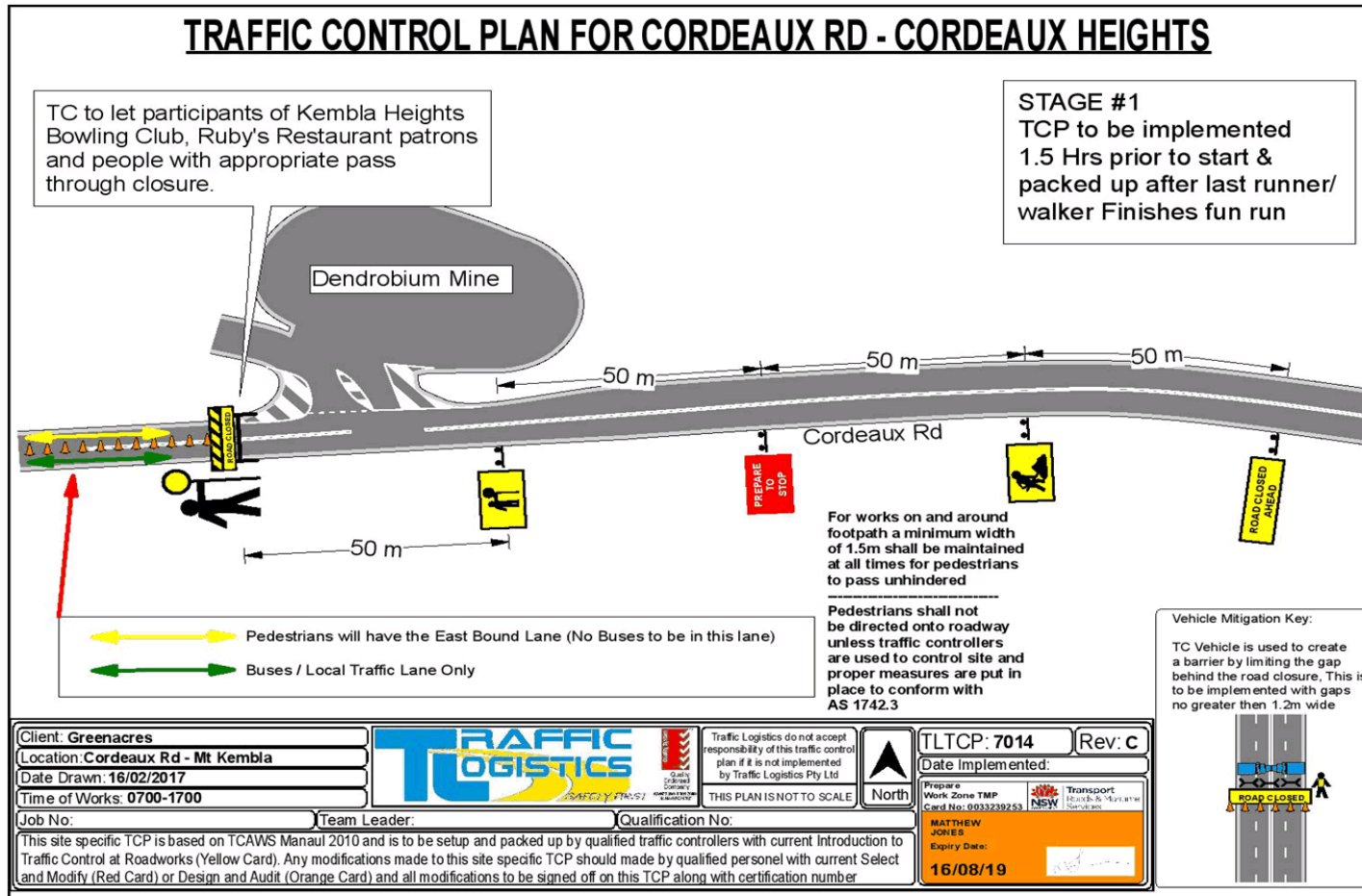
For any stop/slow works setup signs and distances in relation traffic controllers as illustrated here.











Attachment 3
Harry Graham Drive - Mount Kembla

TRAFFIC CONTROL PLAN FOR WEST DAPTO RD - WOLLONGONG

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