



**BUSINESS
PAPER**

ORDINARY MEETING OF COUNCIL

To be held at 6.00 pm on

Monday 14 September 2015

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 Council Meeting 24 August 2014
- 7 Public Access Forum
- 8 Call of the Agenda
- 9 Lord Mayoral Minute
- 10 Urgent Items
- 11 Notice of Motion(s)
- 12 Agenda Items
- 13 Confidential Business

Members

Lord Mayor –
Councillor Gordon Bradbery OAM (Chair)

Deputy Lord Mayor –
Councillor Chris Connor

Councillor Michelle Blicavs

Councillor David Brown

Councillor Leigh Colacino

Councillor Bede Crasnich

Councillor Vicki Curran

Councillor John Dorahy

Councillor Janice Kershaw

Councillor Ann Martin

Councillor Jill Merrin

Councillor Greg Petty

Councillor George Takacs

QUORUM – 7 MEMBERS TO BE PRESENT

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CLOSED SESSION

- ITEM 1 CONFIDENTIAL: General Manager's Performance Agreement 2015-16
- ITEM 2 CONFIDENTIAL: General Manager's Performance Review 2014-15

Reason for Confidentiality:

The above reports will be considered in Closed Session in accordance with –

- a Section 10A 2(a) of the Local Government Act 1993 as the reports contain personnel matters concerning particular individuals (other than Councillors).*
- b The Division of Local Government Guidelines for the Appointment and Oversight of General Managers which states that the General Manager's Performance Agreement should be presented to the governing body of Council for discussion in a closed meeting of Council.*

ITEM A

NOTICE OF MOTION - COUNCILLOR MARTIN - MOTORHOME STOP-OVER FACILITIES - APPROPRIATE PUBLIC PARKS

Councillor Martin has submitted the following Notice of Motion –

“I formally move that Council and Destination Wollongong work alongside the Campervan and Motorhome Club of Australia (CMCA), and other appropriate organisations, towards investigating the establishment of motorhome stop-over facilities at locations, including Fred Finch Park, ‘Yachties’ on Lake Illawarra, Port Kembla, and other appropriate sites in the Wollongong Local Government Area.”

Background provided by Councillor Martin

The Illawarra visitor experience is already providing many different kinds of accommodation opportunities for guests to enjoy our beautiful City. This includes conventional hotel accommodation, serviced apartments and excellent caravan parks, some of which are Council-run.

The aim of this motion is to include new opportunities for visitors, including Grey Nomads and others, with a range of places they can stop, stay and spend some time and money in the City of Wollongong, starting with some sites in southern Wollongong.

Council, Destination Wollongong, the CMCA, and others should work together to identify suitable locations for this popular form of tourism visitation. Any proposed stop-over locations will require a development application, which will include community and stakeholder consultation.

In the case of Fred Finch Park, the area provides a unique opportunity to encourage visitors to stay close to the Lake and bikeways, whilst encouraging more people to enjoy what the Berkeley foreshores and the Lake itself have to offer visitors to our City, as well as people travelling through the Illawarra and South Coast.

ITEM B

NOTICE OF MOTION - COUNCILLOR PETTY - REVIEW OF CONDUIT
BLOCKAGE POLICY

Councillor Petty has submitted the following Notice of Motion –

“I formally move that Council –

- 1 Write to WMAwater, Consultants currently undertaking a review of Council’s Conduit Blockage Policy, authorising a variation to their contract to consider, review and comment on the following in their final report:
 - a the technical paper by Anthony Barthelmess and Paul Nichols, to be presented at the 36th Hydrology and Water Resources Symposium in Hobart in December 2015, showing the current Blockage Policy significantly over-predicts the hydraulic blockages that occurred in 1998 based on Council’s own flood studies for Hewitts and Towradgi Creeks;
 - b the Allans Creek report titled ‘Flooding in Figtree - American Creek at the M1 Princes Motorway Culverts – Submission to Wollongong City Council, December 2014’ prepared by Residents’ Group NEFRAG;
 - c any evidence the proponent wishes to tender as supporting arguments in regards to the Land and Environment Court case Percy -v- Wollongong City Council, including information subsequently obtained by GIPA request that Council advised the court did not exist;
 - d whether the statement in Council’s Specification for the Review of the Blockage Policy that ‘*application of the current blockage policy has enabled good calibration of flood models with observed flood behaviour in many locations*’ is correct, noting this is contrary to the findings of the Barthelmess and Nichols paper;
 - e whether the statement in Council’s Specification for the Review of the Blockage Policy that ‘blockage policy has been applied to all Floodplain Risk Management Studies and Plans prepared by Council’ is correct, noting that such studies have been based on improbable worst combinations of blocked and clear culverts, which is not part of the methodology stated in Section 10.3.2 of Wollongong Development Control Plan, Chapter E14; and
 - f the 2 CD set of documents, photos, email, correspondence etc provided to Councillor Petty as information held by Council in respect of the 1998 flood.
- 2 Incorporate within the budget a capital works/maintenance item to address the frequent flooding of properties in Lachlan Street, Thirroul, as predicted in the August 2015 BMT WBM flood study report (which shows these properties to be flood prone even for the one in 5 year flood), as further highlighted in the recent wet weather event of 23-25 August 2015, and for which Council’s anti-blockage works have yet to improve.

ATTACHMENTS

- 1 The evidence that Hewitts Creek Railway Bridge did not block in 1998
- 2 Minutes of Meeting WCC and RIC 20/08/2003
- 3 Fluor Australia Letter 280(19140) 23/07/2003
- 4 NEFRAG Council Submission December 2014 – V2.6
- 5 Drains not cause of floods residents Illawarra Mercury 29/08/2015
- 6 Wollongong City Council – Review of Conduit Blockage Policy
- 7 Thirroul Flood Map August 2015

Background Provided by Councillor Petty

As a result of the widespread damage, Wollongong City Council undertook an extensive data collection program for the August 1998 event. Data is represented in the following articles:

- Department of Land and Water Conservation, Sydney/South Coast Region and Wollongong City Council – 17 August 1998 Storm in Wollongong Flood Data Report, May 2002;
- Compendium of Rainfall Data for Storm Event of 17 August 1998 in Northern Suburbs of Wollongong for Wollongong City Council, February 1999, Forbes Rigby Pty Ltd;
- August 1998 Wollongong Storms, 23 February 1999, Wollongong University, Wollongong, Institution of Engineers, Australia, Sydney Division Water Engineering Panel;
- Wollongong Flood Summary, 15 -19 August 1998, Department of Public Works and Services, Manly Hydraulics Laboratory, August 1998;
- Flood and Damage Photos;
- Blockage Data Sheet;
- The Impact of Blockages on Flood Behaviour in the Wollongong Storm of August 1998 by E H Rigby, BE, MEngSc, FIE Aust, Director, Forbes Rigby Pty Ltd, Wollongong, and P Silveri, BE, MIE Aust, Senior Design Engineer, Wollongong City Council presented at the New South Wales 42nd Flood Plain Management Authorities Conference, Kempsey;
- Causes and Effects of Culvert Blockage During Large Storms by E H Rigby, Principal, Forbes Rigby Consultants, M J Boyd, Faculty of Engineering, University of Wollongong, S Roso, Design Engineer, Forbes Rigby Consultants, P Silveri, Senior Design Engineer, Wollongong City Council, and A Davis, Engineer, Wollongong City Council;
- Calibration data and assumptions for each different Flood Study and Floodplain Risk Management Study and Plan for each catchment within the Wollongong Local Government Area. Catchments include Hewitts Creek, Collins Creek,

Towradgi Creek, Fairy and Cabbage Tree Creeks, Wollongong City, Minnegang Creek, Allans Creek, Mullet Creek and its extension, Brooks Creek and Duck Creeks.

Council's Current Conduit Blockage Policy is significantly based upon data collected as a result of the storm on 17 August 1998. Severe rainfall from this storm resulted in one fatality and caused flash flooding with extensive damage to property. Some 1,000 houses were estimated to have experienced above floor flooding.

Council has awarded a contract to MWAwater to undertake a "Review of Conduit Blockage Policy" as detailed in the Specification – Technical Brief.

The Specification includes a specific list of "Information Available to the Consultant". However, in recent weeks, Wollongong has experienced another extreme weather event and it is opportune to have the existing contract consider any information available as part of the overall review. Other information pertinent to a proper review has been made available by community groups and interested practitioners and it should be included as information to be reviewed by MWAwater as part of the contract.

ITEM 1 ELECTION OF DEPUTY LORD MAYOR

A Deputy Lord Mayor assumes all the duties and powers of the Lord Mayor at the request of the Lord Mayor or if the Lord Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Lord Mayor.

Council at its meeting on 25 August 2014, elected Councillor Chris Connor as Deputy Lord Mayor up until the first Council meeting of September 2015. Council is now required to elect a Deputy Lord Mayor for a term to be determined.

The Local Government (General) Regulation 2005 outlines the process to be undertaken in electing a Deputy Lord Mayor and this report details that process.

RECOMMENDATION

- 1 Council elect a Deputy Lord Mayor for a term determined by the Council.
- 2 Council determine whether the method of election for the Deputy Lord Mayor is by preferential ballot, ordinary ballot or open voting.
- 3 Council proceed to conduct the election of Deputy Lord Mayor in accordance with the determined method and the requirements of the Local Government (General) Regulation 2005.

ATTACHMENT

There are no attachments for this report

REPORT AUTHORISATIONS

Report of: Kylee Cowgill, Manager Governance and Information
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

Section 231 of the Local Government Act 1993 provides for Councillors to elect a person from among their number to be the Deputy Lord Mayor. The person may be elected for the Council term or a shorter term.

Clause 394 of the Local Government (General) Regulation 2005 stipulates that 'if a Mayor or Deputy Mayor is to be elected by the Councillors of an area, the election is to be in accordance with Schedule 7'. Council is therefore required to conduct the election of Deputy Lord Mayor in accordance with this Schedule.

PROPOSAL

The process to be followed in the election of the Deputy Lord Mayor in accordance with Schedule 7 of the Local Government regulation is as follows:

- A Councillor is to be nominated in writing by two or more Councillors, one of whom may be the nominee, and the nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- The nomination is to be delivered or sent to the Returning Officer.
- The General Manager, or a person appointed by the General Manager, is the Returning Officer for the election and that person is to announce the names of the nominees at the Council meeting at which the election is to be held.
- Should more than one Councillor be nominated, Council is to resolve at the meeting at which the election is to be held whether the election is to proceed by way of preferential ballot, ordinary ballot or open voting with preferential ballots and ordinary ballots being secret ballots. Open voting means voting by a show of hands or similar means.
- Counting will be conducted in accordance with Parts 2 or 3 of Schedule 7, depending on the method adopted by Council.

CONSULTATION AND COMMUNICATION

This report has been prepared in accordance with the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Councillors have been provided with notification of this election together with a nomination form prior to receiving the business paper for this meeting.

PLANNING AND POLICY IMPACT

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

It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2015-16.

CONCLUSION

Council is able to elect a Deputy Lord Mayor to exercise the functions of the Lord Mayor in the Lord Mayor’s absence. This election should proceed at this meeting and, in line with past practice, could be conducted by way of open voting on a show of hands.

ITEM 2

DRAFT NEW POLICY: APPOINTMENT OF COUNCILLOR DELEGATES TO COMMITTEES

A new policy has been developed to outline the process by which Councillors may be appointed to Council or external organisations' Working Parties, Reference Groups, Boards and Committees (Committees). This report presents the draft policy for consideration and adoption by Council.

RECOMMENDATION

The Appointment of Councillor Delegates to Committees Policy be adopted.

ATTACHMENT

Draft Appointment of Councillor Delegates to Committees Policy

REPORT AUTHORISATIONS

Report of: Kylee Cowgill, Manager Governance and Information
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

Councillors are currently represented on 26 Council advisory committees and reference groups in addition to 18 external committees and organisations.

It has been Council's practice for delegates to be elected to each of these committees at an open meeting of the Council following a call for nominations from Councillors. To date Council has had procedural documents that outline the ways in which these elections may be conducted but no policy that conclusively determines that Councillors must (a) be elected to a committee at an open meeting of the Council and (b) the method of election to be used in such cases. There are no statutory requirements that outline how a Councillor is to be appointed to a committee however Section 251 (5) of the Local Government Regulation stipulates that voting in an election at a Council meeting is to be by open means such as by voice or a show of hands.

PLANNING AND POLICY IMPACT

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ITEM 3

ELECTION OF COUNCILLOR DELEGATES TO VARIOUS COMMITTEES AND EXTERNAL ORGANISATIONS

This report identifies those Council committees and external organisations which require the election of Councillor representatives at this meeting of Council.

RECOMMENDATION

- 1 Councillors be elected to those committees and organisations listed in the attachment to this report for a term of one year.
- 2 The elections be conducted by open means on a show of hands.

ATTACHMENT

List of committees and organisations requiring the election of Councillor delegates

REPORT AUTHORISATIONS

Report of: Kylee Cowgill, Manager Governance and Information
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative Engaged and innovative City

BACKGROUND

It has been Council practice to elect the Councillor delegates to the various committees, reference groups, working parties and external organisations each September to bring them into line with the timing of local government elections.

Council last considered its representatives to committees at its meeting of 25 August 2014.

Council currently supports and administers 26 Council advisory committees and reference groups, in addition to supporting eight neighbourhood forums, of which six are active. This commitment involves approximately 295 community members and representatives that are regularly consulted and engaged. In addition to these, Councillors are represented on 18 external committees and organisations.

This report includes a number of these committees, groups and external organisations that Council engages with.

PROPOSAL

The attachment to this report details those committees and organisations where the election of Councillor Representatives is required to be undertaken at this meeting.

Councillors were provided with the opportunity to submit nominations for the various committees and organisations for inclusion in this report and the nominations received prior to the finalisation of the business paper for this meeting have been included in the

attachment. However further nominations can be made from the floor when considering this item.

Council is advised that Clause 251(5) of the Local Government (General) Regulation 2005 stipulates that voting in an election at a Council meeting is to be by open means such as by voice or a show of hands.

As this is an election the Lord Mayor does not have a casting vote.

CONSULTATION AND COMMUNICATION

Lord Mayor and Councillors

PLANNING AND POLICY IMPACT

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ITEM 4

APPOINTMENT OF VOTING DELEGATES TO LOCAL GOVERNMENT
NSW ANNUAL CONFERENCE

At the Ordinary Meeting of Council of 3 August 2015, Council resolved that:

- 1 The Lord Mayor and Councillors Kershaw, Brown, Connor, Crasnich, Curran, Blicavs and Martin be authorised to attend the 2015 Local Government NSW Annual Conference and associated functions, staying two nights on business.
- 2 A further report be presented to the 14 September 2015 Council Meeting to delegate voting rights for this conference (following the election of the Deputy Lord Mayor).
- 3 The Lord Mayor be authorised to submit to the Local Government NSW Conference agenda items, based on resolutions carried by Council since the last Conference.

This report responds to point 2 of the above resolution.

This year the conference will involve two types of voting. Each Council is required to nominate voters for each role; nominations for voting in the elections for Office Bearers and the Board, and nominations for voting on motions.

RECOMMENDATION

Council delegate (by show of hands) voting rights for the election of Office Bearers and the Board and voting on motions to seven Councillors, including the Lord Mayor and Deputy Lord Mayor, from Councillors previously authorised to attend the 2015 Local Government NSW Annual Conference.

ATTACHMENT

There are no attachments for this report

REPORT AUTHORISATIONS

Report of: Deanne Heidrich, Executive Officer to the Lord Mayor
Authorised by: David Farmer, General Manager

BACKGROUND

The Local Government NSW Conference, being held from 11-13 October 2015 in Sydney, is a significant opportunity to meet and discuss the issues facing local government and develop agreed positions which can inform the development of NSW Local Government policies in the coming year. Through this conference, local government representatives can engage directly with key politicians, move and debate motions, hear from a range of subject matter experts, and network with local government colleagues from around the state.

Wollongong City Council is entitled to delegate voting rights to seven Councillors. As per the Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors policy, two of these delegates are the Lord Mayor and Deputy Lord Mayor if attending.

CONCLUSION

It is recommended that nominees for voting for elections for Office Bearers and the Board, and nominations for voting on motions be the same seven delegates.

ITEM 5 2016 COUNCIL MEETING STRUCTURE AND CYCLE

Council at its meeting on 10 September 2012 resolved that the Council meeting structure and cycle is to be reviewed each year.

This report presents two options for Council meeting cycles for consideration for 2016 being the current three weekly Council meeting cycle and a twice monthly Council meeting cycle.

RECOMMENDATION

Council determine its preferred meeting structure and cycle for 2016.

ATTACHMENT

Options for Council Meeting Cycle

REPORT AUTHORISATIONS

Report of: Kylee Cowgill, Manager Governance and Information
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

In considering a report on the Council meeting structure and cycle at its meeting on 25 August 2014, Council resolved that:

Option 2 – a three weekly meeting cycle –

- Ordinary Council meetings held on a rolling three weekly cycle on a Monday commencing at 6.00 pm. First meeting held on Tuesday, 27 January 2015 due to Australia Day public holiday.
- Councillor Briefing Sessions be held on the second and third Monday of the cycle commencing at 5.00 pm.
- No Ordinary Council meetings or Councillor Briefing Sessions be held during a public school holiday period with the exception of December.
- Additional Councillor Briefing Sessions being scheduled for Thursdays when there is an urgent demand.

Meeting Structure

The current structure allows for all Councillors to fully participate in the discussion and determination of all issues coming before Council. The Councillor Briefing Sessions continue to provide the opportunity for all Councillors to be fully briefed on a number of key issues and other matters either being dealt with by Council Officers or prior to reports being submitted to Council for determination.

Feedback from the Executive indicates that there is general acceptance of the current structure and that the combination of Councillor Briefing Sessions and Council meetings enables all Councillors to have an understanding of all matters coming before Council for determination.

Meeting Cycle

In preparing this report four options for a Council meeting cycle have been identified and outlined hereunder:

Option 1 – retain the existing three-weekly meeting cycle (14 meetings/26 briefings)

- Ordinary Council meetings held on a rolling three weekly cycle on a Monday commencing at 6.00 pm. First meeting to be held on Monday, 1 February 2016.
- Councillor Briefing Sessions be held on the second and third Monday of the cycle commencing at 5.00 pm.
- No Ordinary Council meetings or Councillor Briefing Sessions be held during a public school holiday period. This would normally be with the exception of January however in 2016 the last possible Monday, 25 January, is both during school holidays and immediately prior to a public holiday (Australia Day).
- Additional Councillor Briefing Sessions being scheduled for Thursdays when there is an urgent demand.

Option 2 – two Ordinary Council meetings per month with the exception of public school holiday periods (18 meetings/19-23 briefings)

- Two Ordinary Council meetings per month to be held on the second and fourth Monday commencing at 6.00 pm with the first meeting to be held on Monday, 8 February 2016.
- Councillor Briefing Sessions be held on the first and third Monday of each month commencing at 5.00 pm, except in January.
- No Ordinary Council meetings or Councillor Briefing Sessions be held during a public school holiday period.
- The option for an additional Councillor Briefing on the fifth Monday of the month, being in February, May, August and October when the General Manager determines that there is sufficient business to warrant an addition briefing.
- Additional Councillor Briefing Sessions being scheduled for Thursdays when there is an urgent demand.

The dates for the 2016 National General Assembly of Local Government (June) and Local Government NSW annual conference (October) had not been confirmed at the time this report was prepared however potential dates for these have been received and taken into account when preparing the schedules. The potential dates are:

- National General Assembly of Local Government – 13-14 June 2016
- Local Government NSW Annual Conference – 16-18 October 2016

Option 2 is the most affected by the potential National General Assembly date, with a Council Meeting scheduled for 14 June 2016. Given that there is a NSW public holiday scheduled for 13 June there is still the possibility that the date for the National General Assembly could be changed, potentially affecting Option 1's cycle.

PROPOSAL

The current Council meeting cycle of three weekly meetings with Councillor briefings on the second and third Monday of the cycle has been beneficial in that there are fewer formal Council meetings and more opportunities for briefings from staff for Councillors.

If the dates for either the National General Assembly of Local Government or Local Government NSW Annual Conference, once confirmed by both bodies, do impact on a Council meeting date, the affected meeting may be re-scheduled for another suitable date by report to Council.

PLANNING AND POLICY IMPACT

Council is required under the Local Government Act 1993 to meet at least ten times each year, being the financial year, and all options outlined in this report will satisfy this requirement.

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

It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2015-16.

FINANCIAL IMPLICATIONS

The financial implications are considered to be minimal however Option 1 is the least costly of the two options.

CONCLUSION

The current three weekly cycle has worked well and received support from many Councillors.

ITEM 6

WEST DAPTO URBAN RELEASE AREA - YALLAH-MARSHALL MOUNT
PRECINCT - INFRASTRUCTURE COSTS

On 9 March 2015, Council considered a report on the rezoning of the Yallah-Marshall Mount Precinct. Council resolved to adopt the Structure Plan for the Yallah-Marshall Mount Precinct. Council also resolved not to progress the draft zonings to the NSW Department of Planning and Environment, and requested a further report setting out the details of local infrastructure expenditure required for the precinct.

Council has recently carried out survey work and prepared concept designs for the major road infrastructure, with updated cost estimates. It is recommended that the updated costs be incorporated into a revised draft West Dapto Section 94 Development Contribution Plan.

RECOMMENDATION

- 1 The revised infrastructure cost estimates for Yallah-Marshall Mount be included in a revised draft West Dapto Section 94 Development Contribution Plan, which is scheduled to be reported to Council in November 2015 and if endorsed, exhibited and submitted to IPART for review.
- 2 Proceed with finalisation of the Yallah-Marshall Mount Planning Proposal once IPART and the NSW Government determine how the shortfall in funding for required local infrastructure across the West Dapto land release will be met.

ATTACHMENTS

- 1 Adopted Structure Plan
- 2 Main Roads and Open Space
- 3 Neighbourhood Precinct Plan with suggested staging
- 4 Planning Proposal including LEP Maps

REPORT AUTHORISATIONS

Report of: Renee Campbell, Manager Environment Strategy and Planning
Authorised by: Andrew Carfield, Director Planning and Environment – Future City and Neighbourhoods

BACKGROUND

The Yallah–Marshall Mount precinct covers an area of approximately 1,000 hectares in the southern portion of the West Dapto Urban Release Area (Stage 5 of the Urban Release Area). The precinct includes 43 lots.

The precinct was included in the draft West Dapto Local Environmental Plan exhibited by Council in 2007-2008. In May 2009, Council resolved to abandon the draft zonings for the precinct and prepare a new set of planning controls.

Following development of a structure plan and draft zoning maps for the precinct, a draft Planning Proposal was exhibited from 17 March 2014 to 2 May 2014.

On 9 March 2015 Council considered a report on the exhibited draft Planning Proposal and resolved that:

- 1 *The Structure Plan for Stage 5 (Yallah-Marshall Mount) of the West Dapto Urban Release Area be adopted (Attachment 1 of this report).*
- 2 *The draft Planning Proposal, maps and documentation be updated based on the recommendations of this report, but not be progressed to NSW Department of Planning and Environment at this time.*
- 3 *A report be provided to Council by the end of September 2015, setting out details of necessary Yallah-Marshall Mount infrastructure expenditure, including the contribution that can be made from all sources of income, including Section 94, State infrastructure funds and potential contributions from the Lend Lease Delfin Calderwood Development. The income stream to include timelines and forecast expenditure for the roll out of the necessary infrastructure, including that involved and intersecting with other stages of the West Dapto land release program.*
- 4 *On receipt of the reports on the costs of infrastructure for Yallah-Marshall Mount, that Council prepare a revised Planning Proposal to be considered before calendar end 2015. Council should then make a future submission to IPART for appropriate investment by the NSW Government for the cost of the provision of infrastructure for the entire West Dapto land development area.*

Council has recently carried out survey work and concept road design work for the main road links within the Yallah-Marshall Mount precinct (Attachment 2). This report addresses parts 3 and 4 of the resolution.

PROPOSAL

The vision for the Yallah-Marshall Mount precinct is to create a sustainable community, with a diverse housing mix based on a walkable village centre. The Structure Plan seeks to concentrate the bulk of development around the proposed village centre and along public transport links. Areas on the fringe are intended to be much lower density.

The vision for the precinct aims to maximise use of public infrastructure and avoid a “blanket” of suburbia with wider servicing requirements.

The Structure Plan enables a community of up to 4,000 dwellings, a village centre, potential school site and open space nestled in a valley with ecological and riparian lands. The Structure Plan and draft Planning Proposal seek to conserve large stands of two Endangered Ecological communities, namely the Illawarra Lowlands Grassy Woodlands and Illawarra Subtropical Rainforest.

Infrastructure Issues

The Yallah-Marshall Mount precinct is Stage 5 of the West Dapto Urban Release Area. The precinct is considered to be a “floating” stage, which could proceed if infrastructure and servicing is available, as it was not linked to servicing of stages 1-4. In this respect, the timing of the precinct needs to be mindful of the nature of the development proposed, the potential industry response, and the provision of infrastructure, considering other infrastructure demands within West Dapto Urban Release Area and wider area.

The Structure Plan for Yallah-Marshall Mount challenges the traditional market approach to developing in Greenfield release areas. The densities and dwelling mix proposed set aspirational goals to achieve a long term sustainable outcome. In order to achieve these important environmental and social outcomes, it will be necessary for Council to resist changes that lead to more conventional housing products that can be developed in nearby release areas. This situation may impact on the short term timing of the Yallah-Marshall Mount precinct. The Structure Plan challenges the short term viability of the precinct to achieve long term sustainability and community goals.

If rezoned, the timing of development within the precinct is also influenced by other factors. Clause 6.1 of Wollongong Local Environmental Plan 2009 requires satisfactory arrangements to be made for provision of designated State Infrastructure before the subdivision of land for urban development occurs. The timing of the critical infrastructure provision depends on the ability of State agencies to service the area, considering competing priorities in other release areas. Once rezoned there would likely be more pressure on Government agencies and Council to provide supporting infrastructure to enable development to go ahead. This needs to be considered in assessing infrastructure funding priorities.

CONSULTATION

The draft Planning Proposal was exhibited from 17 March 2014 to 2 May 2014 and 25 submissions were received. The submissions were considered as part of the Council report of 9 March 2015 and Council resolved to endorse the minor adjustments made to the draft Planning Proposal.

No additional community consultation has occurred since March 2015. The landowners were informed of Council’s resolution and landowners along Yallah and Marshall Mount Road were advised that the survey work was occurring.

Council has received further representations on behalf of the owner of Lot 102 DP 1070360 Marshall Mount Road seeking 4-5 additional lots/dwellings near the Duck Creek bridges on Marshall Mount Road. Advice has been submitted indicating that the proposed dwelling sites are above the 1:100 year flood level. Council officers have been concerned about erecting a small development island of only five dwellings in a moderate-high flood risk area with uncertain flood access. The development islands in the rest of West Dapto are larger areas, containing 200+ dwellings which provide a larger refuge area and less isolation.

This request would appropriately be further considered as part of the more detailed neighbourhood planning process undertaken to enable individual precincts to develop, following finalisation of the Planning Proposal. The incorporation of significant changes into the current draft Planning Proposal would require a new Gateway determination and re-exhibition. Accordingly, a separate process as part of neighbourhood planning would be a more appropriate means of addressing this landowner's issue/s.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 objective "Residents have improved access to a range of affordable housing options" under the community goal "We are a healthy community in a liveable city" and the objective "Walking, cycling and public transport is an accessible and well-resourced means of transport, and the use of private cars is reduced" under the community goal "We have sustainable, affordable and accessible transport".

It addresses the Annual Plan 2015-2016 5 Year Action "Implement the West Dapto Masterplan".

When the rezoning proceeds, this will potentially open a new development front in West Dapto Urban Release Area.

As part of Wollongong Development Control Plan 2009, Chapter D16 West Dapto Urban Release Area, and Clause 6.2 of Wollongong Local Environmental Plan 2009, a Neighbourhood Plan must be prepared and adopted by Council to guide development within the specified neighbourhood precincts. The neighbourhood precincts for the Yallah-Marshall Mount area are shown in Attachment 3. Development of the precinct will not be able to proceed until a Neighbourhood Plan is prepared for the precinct proposed.

Council could consider staging of the precincts within Yallah-Marshall Mount, to ensure development follows logical servicing strategies and avoid expensive servicing for out-of-sequence development.

This sequencing could begin with the Penrose/Elm Park precinct, as servicing reaches this area first, followed by the Village Core precinct, and following servicing up Marshall Mount Road (see Attachment 3). The concept and designs for the local road links also suggest that Council may need to update the Land Acquisition Maps and will need to be incorporated into a further draft Planning Proposal. This will occur as part of the broader West Dapto Review, which is underway.

FINANCIAL IMPLICATIONS

The draft Planning Proposal facilitates an increased dwelling yield from the 1,300 dwellings proposed in 2007 to 4,000 dwellings.

Since 2010, Council has funded some \$425,000 towards the studies to support the draft Planning Proposal. The road survey and concept design work recently undertaken cost an additional \$180,000, excluding staff time.

The five road infrastructure projects (Attachment 2) are based on the following design criteria:

1 Yallah Road (not including connection to Princes Highway)

Yallah Road will need to be upgraded from a two lane rural road to a Type 4 (a) – Major Collector Road (23m road reserve with 14m Carriageway width-4 lanes). The concept design follows the existing road alignment, with road widening to occur to the southern side of the road. The design replaces two culverts with two bridges, to provide access at a 1:100 flood level. This concept plan extends to approximately 100m east of the Yallah Road/Larkins Lane intersection. The road section east of this point, including realignment, the cost of bridging the Albion Park Bypass and intersection with the Princes Highway has not yet been costed.

2 Marshall Mount Road (between Marshall Mount Creek and Yallah Road)

The southern sections of Marshall Mount Road will need to be upgraded from a 2 lane rural road to a Type 4 Major Collector Road (22.4m road reserve with a 13.4m carriageway comprising 4 lanes). The concept plan begins at the Shellharbour City Council boundary and extends to the intersection with Yallah Road. The planned road alignment avoids impacting on the historic 1859 Marshall Mount Public School. The design replaces one culvert with a bridge. It is noted that Shellharbour City Council does not propose to bridge Marshall Mount Creek floodplain.

The Calderwood Concept Plan depicts a separate road extending through the Calderwood Release Area to Marshall Mount Road near the intersection with North Marshall Mount Road. There is no design for this road, and its timing is unknown. If constructed, the traffic volumes on the southern part of Marshall Mount Road (south of North Marshall Mount Road) will reduce and a Type 4 – 4 lane road may not be required and a Type 3 – 2 lane Collector Road can be provided. A road reserve suitable for a 4 lane road will still be required, as the additional area is utilised for public transport and parking.

3 Marshall Mount Road (between Yallah Road and Huntley Road)

This northern section of Marshall Mount Road has had two optional concept designs.

Option 1: The first option would involve upgrading the road from a 2 lane rural road to a Type 4 road (22.4m road reserve with a 13.4m carriageway comprising 4 lanes). This option would involve significant new construction of new bridges and culverts.

Option 2: The second option is to upgrade this road from a 2 lane rural road to a Type 3 Minor Collector Road, with modifications in some sections. This option would effectively upgrade the existing road, maintaining the 2 lane format for the area north of the proposed village centre. Due to flooding constraints, there are only limited dwelling numbers north of the proposed village centre. If the road is not upgraded beyond 2 lanes, the existing single lane bridge structures (which still

have a long life span) can be retained and the road left at its current levels. With limited through traffic, the cost of upgrading this northern section of road can be significantly reduced. It is recommended that Council use this option.

4 Proposed Road No 8 (between Marshall Mount Road and Avondale Road)

This road is conceptual, and would involve the acquisition of land and construction of a new Type 4 Major Collector Road, which would extend from the Yallah Road/Marshall Mount Road intersection to Avondale Road.

5 Internal Link Road (between Marshall Mount Road and Yallah Road)

This road is conceptual, and would involve the acquisition of land and construction of a new Type 3(a) Minor/Major Collector Road Local Road which would extend from Marshall Mount Road (starting approximately 270m north-east of the intersection with North Marshall Mount Road) to Yallah Road, alongside the power line easement. The construction of this new link road would enable traffic (including traffic from the Calderwood development) to bypass the proposed village centre, which would assist in improved pedestrian activity within the village centre. It would however, involve significant additional cost.

An alternative alignment for this Internal Link Road has been suggested. This alternative has the potential to significantly reduce the costs of this road and will be explored in greater detail as part of the broader West Dapto Review.

The following table outlines the estimated costs to Council for roads, open space, drainage and community facilities.

Current West Dapto Section 94 Cost estimates (2010)	Revised S94 Cost Estimates
<p><u>Roads and Bridges</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Yallah Road – \$11.03m <input type="checkbox"/> Marshall Mount Road – \$33.6m <input type="checkbox"/> Road 8 – \$20.2m <input type="checkbox"/> Internal link road at Yallah (not included in current costs) <p>Total: \$64.83m</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Yallah Road (excluding Princes Highway/M1 by-pass interchange) – \$20.32m <input type="checkbox"/> Marshall Mount Road (south of Yallah Road) – \$42.99m <input type="checkbox"/> Marshall Mount Road (north of Yallah Road) <ul style="list-style-type: none"> Option 1 – \$48.6m, Option 2 – \$10.03m <input type="checkbox"/> Road No 8 – \$52.53m <input type="checkbox"/> Internal Link Road – \$34m <p>Total: \$198.44m (including option 1) \$159.89m (including option 2)</p>

Current West Dapto Section 94 Cost estimates (2010)	Revised S94 Cost Estimates
<p><u>Open Space and Recreation</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> 4 hectare Neighbourhood Park and playground – \$3.5m <input type="checkbox"/> 2 hectare local park – \$1.8m <input type="checkbox"/> 2km off-road cycle ways – \$2.1m <p>Total: \$7.4m</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 7.71 hectare Recreation area – \$5.35m <input type="checkbox"/> 1.45 hectare local park – \$1.5m <input type="checkbox"/> 2km off-road cycleways – No change – \$2.33m (indexed) <p>Total: \$9.18m</p>
<p><u>Community Facilities</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> 0.35 hectare land – \$2.58m <input type="checkbox"/> 1 multipurpose children’s centre 750m² - \$2.17m <p>Total: \$4.75m</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 0.6 hectare land – \$5.114m <input type="checkbox"/> 1 multipurpose Community Centre – 2,500m² \$4.342m <p>Total: \$9.456m</p>
<p><u>Drainage – Acquisition</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Duck Creek and tributaries (not included in current costs) <input type="checkbox"/> Macquarie Rivulet (not included in current costs) 	<ul style="list-style-type: none"> <input type="checkbox"/> 41.9 hectares at \$40,000/hectare – \$1.68m <input type="checkbox"/> 4.3 hectares at \$40,000/hectare – \$173,504 <input type="checkbox"/> Drainage and water quality works not costed <p>Total: \$1.854m</p>
<p>Total: \$76.975m (with indexing since 2010 \$85.44m)</p>	<p>Total: \$212.93m (using Marshall Mount Road North Option 1) Total: \$180.38m (using Option 2)</p>

The construction cost of local infrastructure has increased to \$180.38m using the minimal upgrade to the northern part of Marshall Mount Road – Option 2. If the precinct achieves a development yield of 4,000 dwellings the cost per dwelling/lot would be \$45,095. Council is limited to a \$30,000 contribution per dwelling/lot, which means the total maximum revenue for this area is \$120m. This equates to a difference of \$60.38m or \$15,095 per dwelling/lot.

This cost estimate does not include the cost of connecting Yallah Road to the Princes Highway interchange, which has not yet been costed. RMS may fund all or some of this work, but agreement has not been reached.

There is already a shortfall in Section 94 funding for Stages 1-4 of the West Dapto Urban Release Area, therefore Yallah-Marshall Mount will not be able to be subsidised by the other stages. If the precinct does not achieve the desired dwelling densities the shortfall will increase.

There may be some reduction in the land acquisition costs of Road 8 and the Internal Link Road by requiring land owners/developers to dedicate the road reserve as part of the subdivision where the land is zoned Residential and construct the road (or a portion). This is similar to the rest of West Dapto where only the non-developable E3 Environmental Management Zoned land (usually in riparian corridors) is identified for acquisition and the Section 94 Plan funds the bridge construction. This has been estimated to reduce Council's portion of the total road costs from \$159.89m to \$131.48m, and the total infrastructure cost to \$152m or \$38,000 per lot.

Council will be receiving a Section 94 contribution of \$304,920 for Stage 1 of the Calderwood major project area (231 lots). The contribution for the other stages has yet to be resolved. Traffic generated from the Calderwood development would make approximately 45.4% of the traffic volumes on the Yallah-Marshall Mount local roads, in 2036+ and ranges from 9% to 89% depending on proximity to Calderwood. Calderwood traffic would also use local roads that have not yet been designed or costed, for Section 94 purposes. Any future contributions from Calderwood would further reduce the contribution required from Yallah-Marshall Mount and West Dapto.

As part of the West Dapto Review Project, Council is preparing an updated Section 94 Plan for the West Dapto Urban Release Area to submit to the Independent Pricing and Regulatory Tribunal (IPART). Any shortfall in additional funding agreed by IPART would provide Council with an opportunity to source additional funds from another source (e.g. State Government payments).

The additional infrastructure costs to Council associated with the Yallah-Marshall Mount Precinct has serious financial implications for Council, as once a development front starts, there will be pressure to provide infrastructure, even if development is scattered. Once constructed, there will be ongoing costs to Council to run and maintain facilities and infrastructure. This could result in significant infrastructure costs outpacing Section 94 income, and rates revenue.

Council has the following options:

- 1 Submit the Planning Proposal to NSW Department of Planning and Environment once a funding strategy is developed and approved by IPART and the NSW Government. This would leave the Structure Plan in place and leaves the zoning of Stage 5 on hold until the West Dapto Section 94 Development Contribution Plan has been updated, exhibited and reviewed by IPART and an alternate funding strategy has been developed to address the current revenue shortfall.
RECOMMENDED
- 2 Forward the Planning Proposal to NSW Department of Planning and Environment for the rezoning to be progressed.

If Council chooses to proceed with this option then delete part 2 of the recommendation and insert the following:

- 2 The Yallah-Marshall Mount Planning Proposal (Attachment 4) be forwarded to the NSW Department of Planning and Environment for finalisation.

- 3 A further report be submitted on amendments to the Wollongong DCP 2009 Chapter D16 to incorporate provisions for Yallah-Marshall Mount.

This option is not recommended as it would leave Council with an unacceptable financial liability with no strategy for funding.

- 3 Resolve not to finalise the Planning Proposal. This option effectively abandons the Structure Plan and draft zonings. As this precinct is part of an urban release area, Council would then need to freshly consider how development in the precinct would occur, and likely encounter the same servicing issues. This option is not recommended as Yallah-Marshall Mount is part of the West Dapto Urban Release Area and Council would effectively need to re-do the work undertaken for Yallah-Marshall Mount.

CONCLUSION

Council has expended significant time and funds in developing a long term vision for the future development in the Yallah-Marshall Mount precinct. This long term vision maximises the efficiency of development along the main servicing links within the precinct. The vision supports a diverse, sustainable long term community.

Council is currently in the process of reviewing the West Dapto Urban Release Area to provide better planning, funding and implementation of infrastructure servicing within this important urban release area.

As part of this review, Council will have the option of revising and developing a better understanding of the infrastructure requirements for the West Dapto Urban Release Area as an integrated whole-of-Council project.

These revised cost estimates for local infrastructure can inform Council's submission to the Independent Pricing and Regulatory Tribunal (IPART), and for submissions to apply for Government grants and alternate funding sources.

ITEM 7 CALDERWOOD DRAFT PLANNING AGREEMENT

The Calderwood Urban Release Area spans across the Shellharbour City Local Government Area (593 hectares) and Wollongong City Local Government Area (107 hectares). The land was rezoned in 2010 by the previous State Government, to permit urban development through State Environmental Planning Policy (Major Developments) 2005. On 23 September 2013, Stage 1 of the development for 231 lots in Shellharbour was approved by the Land and Environment Court.

The proponents have signed a Planning Agreement with Shellharbour City Council concerning the provision of local infrastructure and have requested Wollongong City Council to enter into a Planning Agreement for the provision of local parks and a contribution towards the upgrading of Marshall Mount Road and Yallah Road.

It is recommended that Council not accept the current offer, and prepare a draft Section 94 Development Contribution Plan for the Calderwood Urban Release Area.

RECOMMENDATION

- 1 The developer be advised that Council is not prepared to accept their current Calderwood draft Planning Agreement offer.
- 2 A draft Section 94 Development Contribution Plan be prepared for the Calderwood Urban Release Area based on the infrastructure costs identified in the report and exhibited for a minimum period of 28 days. The exhibition include advice that the Wollongong Section 94A Development Contribution Plan would be repealed if the new Plan is made.

ATTACHMENTS

- 1 Calderwood Location map
- 2 Proposed Yallah Marshall Mount Road network

REPORT AUTHORISATIONS

Report of: Renee Campbell, Manager Environment Strategy and Planning
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods

BACKGROUND

The Calderwood Urban Release Area was historically in the Shellharbour City Local Government Area, around the locality of Calderwood. However, the Urban Release Area was later expanded during the State Government's major project approval process to include land that straddles the local government boundary, which comprises 107 hectares of land in the Wollongong Local Government Area at Marshall Mount (Attachment 1).

In 2009, Calderwood was declared a State Significant Project under the State Environmental Planning Policy (SEPP) (Major Development) 2005. In January 2011, the Calderwood Urban Release Area was included as a State Significant Site in Schedule 3 – Part 28 of the SEPP. The SEPP rezoned the land to permit urban development, and removed the planning controls from both Councils local planning instruments. The SEPP applies to 107 hectares of land in Wollongong and 593 hectares in Shellharbour City Council area (Attachment 1).

The rezoning of the precinct, and its inclusion in the SEPP, was not supported by either Wollongong or Shellharbour Councils as:

- the proposal was inconsistent with the Department of Planning's Illawarra Regional Strategy (2007);
- the precinct contains valuable agricultural land on the floodplain;
- the precinct has significant flood constraints;
- the precinct has a high scenic value;
- the land within Wollongong was not identified for development as part of the West Dapto investigations due to its constraints and scenic values;
- development would impact on infrastructure provision and servicing of West Dapto, Tullimbar and other release areas;
- the rezoning removed local planning control by the Councils; and
- development would impact on the localities of Marshall Mount and Yallah, especially Marshall Mount Road.

Between 14 April 2010 and 11 June 2011, the NSW Department of Planning and Infrastructure exhibited:

- Concept Plan for the entire development (MP-2009/82) (similar to a master plan) proposing 4,800 dwellings; and
- Project Application for Stage 1, proposing the development of 320 residential lots within the Shellharbour City Council area.

On 8 December 2010, the NSW Department of Planning and Infrastructure approved the Concept Plan (MP-2009/82), with amendments. Shellharbour City Council, with financial support from Wollongong City Council, lodged a Class 4 Action in the Land and Environment Court challenging this determination. In February 2012, the Court upheld the Concept Plan and it remains in place.

On 14 September 2011, the NSW Department of Planning and Infrastructure submitted a report to the Planning Assessment Commission recommending that the project approval for Stage 1 be approved (MP-2009/83). Council made representations to the Planning Assessment Commission at its public meeting on 27 October 2011, and in further submissions and meetings. On 17 April 2012, the Planning Assessment Commission refused the Project Application. In summary, the Planning Assessment Commission found that:

- *The proposal was inconsistent with the Illawarra Regional Strategy and will adversely impact on the orderly development of land in the Illawarra Region;*
- *the proposal will adversely impact on the planned provision of key social and physical infrastructures to service the area; and*
- *the proposal did not adequately demonstrate that:*
 - *filling in high hazard flood areas is a sustainable approach to providing land for residential purposes;*
 - *the significant landform modifications will not adversely affect flood behaviour;*
 - *the development will not adversely affect the environment;*
 - *the proposal will not significantly increase the requirements for emergency services in time of flood; and*
 - *the proposal is unlikely to result in any substantial long-term social and economic impacts to the community as a result of increased flood levels.*
- *local infrastructure contributions have not been adequately dealt with under the provisions of a comprehensive Section 94 contributions strategy and plan;*
- *not all relevant information supporting the proposal was exhibited to enable meaningful public participation; and*
- *there was no publicly exhibited and endorsed Development Control Plan for the area to guide development.*

On 31 May 2012, the developer lodged an appeal to the Land and Environment Court against the Planning Assessment Commission refusal.

On 25 June 2012, Council resolved to prepare a draft Planning Proposal to remove Calderwood from the Major Projects SEPP and apply the Wollongong LEP 2009 and zone the land from the urban zones back to rural and environmental protection zones. The Planning Proposal was refused by the NSW Department of Planning through the Gateway process.

On 23 September 2013, the Court upheld the developer's appeal, and a modified Stage 1 development for 231 lots was approved. These lots are required to pay a Section 94 contribution of \$2,891.10 per lot to Shellharbour City Council and \$1,320 per lot to Wollongong Council (a total of \$304,920).

On 11 November 2013, Wollongong City Council and Shellharbour City Councils requested the Minister for Planning to declare Calderwood an Urban Release Area for the purpose of capping Section 94 Development Contributions, similar to West Dapto. The (then) Director-General of the (then) Department of Planning and Infrastructure responded on 4 March 2014 advising that:

My agency will soon make recommendations to the Minister for Planning and Infrastructure, the Hon Brad Hazzard MP, on the way forward for local infrastructure contributions at Calderwood. Part of those recommendations will be advice on the application of the local infrastructure contribution cap to Calderwood.

No further advice has been received from the Department.

Subsequently, in 2014 Shellharbour City Council exhibited a draft Section 94 Plan to which the developer objected. The developer and Shellharbour City Council then signed a Planning Agreement for development contributions to Shellharbour City Council. The agreement also applies to land within the Wollongong LGA, although Wollongong City Council is not a party to the agreement. The Shellharbour agreement requires a contribution (no matter whether in Wollongong or Shellharbour) of between \$3,310 to \$4,810 per dwelling to Shellharbour City Council. The developer will also construct the road network, parks, sporting facilities and a community facility within the Shellharbour City Council area.

On 25 November 2014, consultants for the developer lodged DA-2014/1480 with Council for the consolidation and re-subdivision of 5 lots within the Wollongong part of Calderwood into 2 lots and 1 super lot. The 5 lots straddle the LGA boundary and are partially in both Council areas.

The application was refused on 10 June 2015. The application included a request to enter into a Planning Agreement. The draft Planning Agreement has been progressed separately to the Development Application and requires a determination from Council.

Lend Lease have now lodged DA-2015/149 with Shellharbour City Council for Stage 2A comprising 234 lots. Shellharbour City Council have sought advice from Wollongong City Council as to how the local infrastructure contributions payable to Council should be considered. The Land and Environment Court judgement applied to Stage 1 although could be used to guide contributions for future stages. There is a risk that Stage 2A could be approved without any local infrastructure contribution condition relating to Wollongong. Based on the Stage 1 conditions this equates to \$308,880.

In summary, the current status of the land and proposed urban release project is:

- Calderwood is zoned under the SEPP (Major Developments) 2005, and permits urban development;
- The Concept Plan (MP-2009/82) (similar to a master plan) is approved;
- The Project Approval for Stage 1 (231 residential lots) within Shellharbour City Council LGA has been approved;
- The developer and Shellharbour City Council have signed a Planning Agreement for development contributions to Shellharbour City Council, covering the entire release area (including Wollongong LGA); and
- Shellharbour City Council is currently assessing DA-2015/149 for Stage 2A comprising 234 lots.

PROPOSAL

A Planning Agreement is a voluntary agreement between Council and a developer which specifies the contribution a developer will make towards a public purpose in lieu of the Section 94/94A Contribution Plan applying to the land. The planning agreement can specify a monetary contribution, the works to be undertaken, the dedication of land, or a combination of contributions.

As part of DA-2014/1480 for the consolidation and re-subdivision of 5 lots within the Wollongong part of Calderwood into 2 lots and 1 super lot, Lend Lease have submitted a draft Planning Agreement for Council's consideration. The draft Planning Agreement is the same proposal that was discussed with Councillors at a briefing session in 2013. The draft Planning Agreement proposes the following local infrastructure within Wollongong:

	Size (ha)	Design & Construct	3 Year Maintenance	Land Cost	Total
Open Space					
Local Park 1	0.3	\$150,000	\$16,000	\$924,000	\$1,090,000
Local Park 2	0.3	\$150,000	\$16,000	\$924,000	\$1,090,000
Local Park 3	0.3	\$150,000	\$16,000	\$924,000	\$1,090,000
District Park "creek"	1	\$750,000	\$16,000	\$1,383,200	\$2,149,200
City Park "heritage"	1.3	\$985,000	\$46,000	\$4,034,800	\$5,065,800
Sub total	3.2	\$2,185,000	\$110,000	\$8,190,000	\$10,485,000
Roads					
Marshall Mount Road		\$5,702,400			\$5,702,400
Yallah Road		\$633,600			\$633,600
Sub total		\$6,336,000			\$6,336,000
Total		\$8,521,000	\$110,000	\$8,190,000	\$16,821,000

It is noted that the three local parks have a land acquisition value of \$3.08 million/hectare which appears excessive. Council's valuers have advised that the englobo rate for urban land is at \$0.5 million/hectare. There is no detailed design for the parks or roads.

For the open space component, a contribution of \$2,184.38 per dwelling is proposed (\$10.485 million / 4,800 lots within both Council areas).

For the local roads component, the following schedule is proposed (taking into account the Court judgment), which averages at \$1,350 per lot.

	No Lots	Rate	Contribution
1st 231 dwellings (L&E Court approved)	231	\$1,320	\$304,920
232-1000 dwellings	769	\$500	\$384,500
2nd 1000 dwellings	1000	\$928	\$928,000
3rd 1000 dwellings	1000	\$1,356	\$1,356,000
4th 1000 dwellings	1000	\$1,783	\$1,783,000
Any further dwellings	800	\$2,211	\$1,768,800
Total	4800		\$6,525,220
	Average Rate	\$1,350	

In total, an average contribution of \$3,438.67 per lot is proposed, which equals \$16.5 million for the entire 4,800 lot development.

The Land and Environment Court judgement for Stage 1 considered in detail the traffic volumes, road standards and costing for Yallah Road and Marshall Mount Road. The Court preferred Council's traffic analysis, but the developer's road and bridge designs and costings. The proponent has used the Stage 1 judgement as the basis for contribution funding for all future stages.

From Council officers' view there are a number of shortcomings with the Court judgement:

- The development of Yallah – Marshall Mount was not considered. Yallah was regarded as a rural area, as Council had at that time not approved the draft Planning Proposal for exhibition;
- The cumulative effect of both Yallah – Marshall Mount and Calderwood on traffic volumes and road design was not considered. Therefore a 2 lane road (not 4 lane) road design was considered;
- The Duck Creek Flood Study and Floodplain Risk Management Study and Plan were still in preparation – so the flood levels were not known, and the required bridge lengths were not known; and
- The West Dapto Section 94 Development Contribution Plan had not included a "flood access" route for Yallah – Marshall Mount.

As part of the finalisation of the draft Planning Proposal for Yallah-Marshall Mount preliminary concept designs for Yallah Road (including realignment at the M1 Albion Park bypass), Marshall Mount Road, Road 8 (link from Yallah Road to Avondale Road) and the "Marshallvale" Local Bypass Road were prepared. The concepts suggested a significant increase to the cost of delivering Yallah-Marshall Mount and the West Dapto Release Area. On 9 March 2015, Council resolved to defer the finalisation of the Yallah-Marshall Mount Planning Proposal, pending a further review of infrastructure requirements. The local infrastructure review is being reported separately to Council on 14 September 2015.

As part of the consideration of the draft Calderwood Planning Agreement, consideration needs to be given to how much of the infrastructure cost is attributable to the Calderwood development. In terms of dwelling numbers, Yallah-Marshall Mount is proposed to contain some 4,000 dwellings (subject to finalisation) and the ultimate Calderwood 7,700 (including Lend Lease current urban release project of 4,800 lots). Only some of the traffic from Calderwood will use the Wollongong local road network, with the first stages being accessed via the Illawarra Highway, and connections to Albion Park and the M1. The roads within Wollongong will all need to be built/upgraded without Calderwood; however the traffic volumes will increase when Calderwood is included.

As noted, the Court preferred Council’s traffic volumes splits for the contribution of Calderwood traffic on Wollongong’s local roads, as follows:

- Marshall Mount Road between proposed link road and Yallah Road (section 22) set at 46%;
- Marshall Mount Road between Yallah Road and TAFE (section 23) set at 27%;
- Marshall Mount Road between TAFE and Huntley Road (section 24) set at 26%; and Yallah Road (section 25) set at 26%; and
- Yallah Road (section 25) set at 26%.

Council’s Traffic Engineers have reviewed these splits based on the updated data incorporated into the 2036+ Tracks model.

In summary, the infrastructure review estimates the local road costs to be:

	Council's Portion of Total Cost Estimate	Ultimate Calderwood % 2036+	Calderwood Cost Estimate (7,700 lots)	Lend Lease Calderwood (4,800 lots)
Yallah Road (Marshall Mount Road to Local Access Road)	\$8.55m	0%	\$0	\$0
Yallah Road (east of Local Access Road to Princes Highway)	\$9.41m	22%	\$2.07m	\$1.29m
Marshall Mount Road (south of North Marshall Mount Road)	\$20.07m	89%	\$17.86m	\$11.13m
Marshall Mount Road (south of Yallah Road to North Marshall Munt Road)	\$16.13m	9%	\$1.45m	\$0.90m
Marshall Mount Road (north of Yallah Road)	\$7.64m	9%	\$0.69m	\$0.43m
Road 8 (Yallah Road – Avondale Road)	\$41.5m	36%	\$14.99m	\$9.31m
Local Access Road	\$28.18m	68%	\$19.16m	\$11.95m
Yallah Road – Princes Highway Interchange	Not costed			
Total	\$131.48m		\$56.17m	\$35.02m

The Lend Lease Calderwood share of the estimated road costs (\$35.02m) is significantly higher than the developers share of the estimates submitted in the draft Planning Agreement (\$6.336m). Accordingly, it is recommended that Council not support the draft Planning Agreement and pursue another option to recover the Calderwood share of contributions.

Options:

- 1 Support the progression of the draft Planning Agreement (an average of \$3,438.67 per lot for a total contribution of \$16.5 million) to exhibition.
- 2 Not support the progression of the current draft Planning Agreement and seek to negotiate improved terms, noting that the current offer is the same as the 2013 offer.

- 3 Not support the progression of the draft Planning Agreement. The Wollongong Section 94A Development Contributions Plan (1% levy) will continue to apply to the site. Based on the stated value of development in the Major Project application of \$410 million, on a pro-rata basis, the estimated Wollongong proportion is some \$68.3 million. A 1% contribution would equate to \$0.683 million. It is noted that a portion of the contribution would be paid by the developer as part of the residential subdivision of the land, and there would be a contribution for each dwelling with a value over \$100,000.
- 4 Not support the progression of the draft Planning Agreement and prepare an amendment to the West Dapto Development Contributions Section 94 Plan to apply to the precinct (and concurrently remove the Wollongong Section 94A Development Contributions Plan). The boundaries of the West Dapto Section 94 Plan could be extended to apply to Calderwood Release Area (within the Wollongong LGA). Council could then apply a contribution of:
 - a \$20,000 per lot, resulting in a total contribution of \$16 million (based on the 800 lots in Wollongong); or
 - b \$30,000 per lot if the Department of Planning and Environment declare Calderwood to be an urban release area under Section 94EE of the Environmental Planning and Assessment Act 1979, resulting in a total contribution of \$24 million (based on the 800 lots in Wollongong); or
 - c Seek a contribution greater than \$30,000 per lot if supported by the Independent Pricing and Regulatory Tribunal (IPART). This option will be considered by the West Dapto Section 94 review.
- 5 Not support the progression of the draft Planning Agreement and prepare a separate Section 94 Development Contributions Plan for Calderwood (and concurrently remove the Wollongong Section 94A Development Contribution Plan), to seek contributions payable towards the provision of local infrastructure in the Wollongong LGA. RECOMMENDED

PLANNING AND POLICY IMPACT

Illawarra Regional Strategy and Draft Illawarra Regional Group and Infrastructure Plan (2014)

The West Dapto Release Area is identified in the Illawarra Regional Strategy (2007) as a regionally significant urban release area.

Wollongong Community Strategic Plan 2022

This report contributes to a number of Wollongong 2022 objectives as the West Dapto Section 94 plan is aligned with the Capital Works Program, which contributes to the funding required to meet the Delivery Program.

It specifically delivers on core business activities as detailed in the Land Use Planning Service Plan 2015-16.

FINANCIAL IMPLICATIONS

The financial implications are discussed under options.

CONCLUSION

The proponents of the Calderwood Urban Release Area have requested Council to enter into a Planning Agreement for the provision of local parks and a contribution towards the upgrading of Marshall Mount Road and Yallah Road.

It is recommended that Council not accept the offer, as it does not reflect the impact and demand Calderwood will have on the Wollongong road network. It is recommended that Council resolve to prepare a separate Section 94 Development Contributions Plan for the Calderwood Urban Release Area to collect contributions towards the provision of local infrastructure within the Wollongong LGA.

ITEM 8

INSTALLATION OF SOLAR PHOTOVOLTAIC CELLS ON COUNCIL BUILDINGS

Council requested a report be prepared which investigates the opportunities for cost saving through the installation of solar photovoltaic cells on Council buildings. This report provides the background and results obtained following an assessment carried out on a range of Council buildings.

RECOMMENDATION

Council note the findings of this report.

ATTACHMENT

Net Present Value (NPV) of Solar PV Systems

REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery
Authorised by: Mike Hyde, Director Infrastructure and Works – Connectivity, Assets and Liveable City

BACKGROUND

Following a notice of motion at the Council meeting of 25 November 2013, Council resolved the following – Minute No. 244:

- 1 *A report come to Council outlining the opportunities for cost savings through the installation of metered and unmetered solar photovoltaic systems on Council buildings.*
- 2 *The report identify -*
 - a *Further work which needs to be performed to fully quantify the savings, and*
 - b *A preliminary list of buildings to be considered.*

In order to fully address this matter Council sought the services of an independent consultant experienced in the installation of commercial grade solar photovoltaic (PV) systems. This consultant was engaged to model the performance of a PV installation across a number of Council sites which were selected for the following characteristics.

- 1 Council was responsible for the electricity costs (rather than a commercial operator or leasee).
- 2 Sites were under either the large or small use energy tariff.
- 3 The sites were as close to a complete 7-day usage pattern as possible.
- 4 Sites were a mix of sloped versus flat roof profiles.
- 5 The roof was orientated either north/south or east/west and not subject to high degrees of overshadowing.

The following Council sites which represent a range of Council buildings were selected for the investigation:

- Dapto Ribbonwood Centre
- Beaton Park Leisure Centre
- Beaton Park Pool
- Windang Caravan Park
- Botanic Gardens Nursery
- Central Works Depot
- Bulli Works Depot
- Unanderra Works Depot

The model was based on the following assumptions:

- 1 The PV cells have an assumed life of 30 years with their efficiency reducing linearly to 80% capacity at 25 years.
- 2 The inverter has a life of 15 years.
- 3 The energy costs are assumed at an average of 17c/KWh for the large site tariff and 23c/kWh for the small site tariff.
- 4 The schemes are eligible under the Renewable Energy Target (RET) scheme which is currently under review by the Federal Government.
- 5 Electricity prices rise at 3.6%.
- 6 Consumer Price Index is at 2.6%.
- 7 Discount Rate at 2.6%.
- 8 The model assumes the capital cost is funded from loan funds with an interest rate of 4.0%.
- 9 The capital cost of the installation includes all design, project management and contingencies costs.

Additional factors which should be considered include:

- The energy hierarchy is a generally accepted approach to achieving energy sustainability. This approach seeks to maximise energy savings and energy efficiencies in a building before providing alternate power solutions. This ensures that Council is not offsetting energy which is being used unnecessarily in the first place. Consistent with the energy efficiency hierarchy, Council is currently undertaking detailed assessments at high consumption sites including, Central Depot; Beaton Park Pool; Beaton Park Leisure Centre; Dapto Ribbonwood Centre and Windang Tourist Park. The implementation of the identified actions will yield long-term benefits through reduced consumption/energy waste, reduce maintenance requirements, increase life cycles and achieve emission reductions. It is anticipated that these audits will be finalised by December 2015 and the actions will be integrated into Council's forward works programs.
- The roof sheeting on Council buildings on average requires replacement every 25-years (more frequently as you move nearer the coast). It would be prudent to mount these systems on buildings where the roof sheeting has been inspected and will have a life expectancy approaching the life of the panels or alternatively include the installation of PV cells when roof sheeting is replaced. The

approximate remaining roof life has been provided in the attachment for each of the sites investigated.

- The capital cost of the installation has a significant impact on the financial model and is difficult to determine unless Council designs and tenders an actual project. The modelling has been calculated on an average cost per Kilowatt (kW) installed of \$2,250 after application of the Small Scale Technology Certificates (STC) under the Renewable Energy Target (RET) scheme. Several enquiries with other local government authorities have indicated modelling undertaken at one site completed at a rate of \$2,150/kW (applying STC) with a large-scale system installed in Victoria at \$1,800/kW (applying STC). Current domestic installations are being offered at \$1,350/kW (applying STC) however there is a high variability of quality in the components of these systems and a high turnover of suppliers to the market which impacts on the long-term maintenance and warranties available. What has been evident is that the cost of PV cells has been trending down over recent years and the current uncertainty regarding review of the RET scheme may have reduced the prices even further as retailers try to reduce stock. The modelling has been carried out at a number of capital price points to gauge the sensitivity of the model to the capital cost.

The PV system was sized to match the weekday load profile of each site to maximise the offset of electricity charges (saving 17-23 cents/kWh) and minimising the feedback into the grid (currently receiving saving of 4-8 cents/kWh). The usage profile was obtained by assessment of the existing electricity bills and load profiles of the type of each building.

The modelling determining the saving on the energy costs at each site was then entered into a financial model to determine the net present value (NPV) of each option. NPV is one of the measures used to analyse investment decisions with a positive NPV adding value. Modelling was carried out both with and without the STC rebate under the RET scheme as the Federal Government is currently considering the future of this scheme. As mentioned previously, modelling was also carried out at various capital cost points to determine the sensitivity to this variable.

The results are outlined in Attachment 1. The results can be summarised as follows:

With the STC rebate:

- At a capital price point of \$2,250/kW (applying STC) all but one of the eight sites exhibit a positive NPV with a positive total NPV when summed together.
- At a capital price point of \$1,656/kW (applying STC) all of the eight sites exhibit a positive NPV with an overall positive total NPV.
- At the lowest available price point in the market, observed at this time all sites yields a positive NPV with a large overall total NPV for all sites.

If the RET scheme is removed and the STC rebate is not available:

- At a capital price point of \$3,000/kW four of the eight sites exhibit a negative NPV with an overall negative NPV when summed together due to the significant impact of the larger capital intensive systems.

- At a capital price point of \$1,656/kW six of the eight sites exhibit a positive NPV with an overall positive total NPV.
- At the lowest available price point in the market observed at this time (approximately \$2090/kW) all but one of the eight sites exhibit a positive NPV with an overall positive total NPV.

Overall the smaller systems are less sensitive to capital price inputs and exhibit a more positive NPV across the price range while the larger systems are generally more sensitive to the capital price.

PROPOSAL

It is proposed to consider the installation of PV systems on Council buildings as one of the possible uses of the carbon tax money previously collected by Council. The application of these funds, following determination by the Federal Government, may be possibly used for new or additional emission abatement schemes.

CONSULTATION AND COMMUNICATION

Council consulted with City of Darebin Council in Victoria who has successfully installed a large commercial grade installation on a number of Council buildings.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal 1 “We value and protect our environment”. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2015-16
Strategy	5 Year Action	Annual Deliverables
1.3.2 Methods to reduce emissions are investigated and utilised	1.3.2.3 Emissions are monitored and reduction methods are investigated and utilised	Monitor and report on organizational water, energy and greenhouse gas emission trends

FINANCIAL IMPLICATIONS

There are currently no funds identified in the 2015/16 Capital Budget for the installation of solar PV cells on Council buildings.

On 28 July 2014 Council considered a report which addressed the impacts of the repeal of the Clean Energy Act 2011. On 29 July 2015 the Federal Government released the Voluntary Waste Industry Protocol for the handling of early collected carbon charges in the landfill sector. Council staff are currently reviewing the terms and conditions of this Voluntary Waste Industry Protocol and a future report will be provided to Council once this review is complete. This review will determine if funds collected can be directed towards “new emission abatement activities” such as solar PV systems or improvement works flowing from energy audits undertaken on Council buildings.

The findings of this report into the installation of solar PV systems will also form the basis of grant funding opportunities which may become available in the future.

CONCLUSION

The results of the investigation indicate that the installation of solar PV cells on Council buildings can offer a positive outcome in some instances but is dependent on the capital cost of commercial grade systems. The current trend is for the cost of PV systems to reduce in cost however the Federal Government is currently considering the future of the RET scheme which may reduce the STC subsidy available for PV systems.

The report has also considered a possible source of funding which may allow for the implementation of PV systems on Council buildings following determination by the Federal Government.

ITEM 9

FINAL REPORT - REFURBISHMENT OF THE CROWN STREET MALL
INCLUDING ANNUAL REVIEW OF THE CITY CENTRE MAJOR
PROJECTS STEERING COMMITTEE

The refurbished Crown Street Mall was officially opened on 22 November 2014. This report provides an update of the expenditure on this project as at 30 June 2015 and includes the annual review of the City Centre Major Projects Steering Committee (CCMPSC).

RECOMMENDATION

- 1 Council note the actions of the City Centre Major Projects Steering Committee to ensure timely delivery of the Crown Street Mall Refurbishment and the City Centre Footpath Program.
- 2 The City Centre Major Projects Steering Committee continue to provide oversight of any project nominated as a City Centre Major Project.
- 3 The existing Charter be adopted with the term of appointment extended until September 2016.

ATTACHMENT

Proposed City Centre Major Projects Steering Committee Charter – September 2015

REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery
Authorised by: Mike Hyde, Director Infrastructure and Works – Connectivity, Assets and Liveable City

BACKGROUND

Council commenced work on the refurbishment of the Crown Street Mall in February 2013 and other than a brief pause over the 2013 Christmas period, work progressed continuously until completion in October 2014.

Council officially reopened the newly refurbished Crown Street Mall on 22 November 2014 which was a key milestone in Council's plans to revitalise the City Centre. The refurbishment has provided a safe flexible space which allows for a wide range of programs and activities which assist in the activation of this space. The work comprised the removal of old infrastructure and the installation of approximately 52,000 new pavers, free Wi-Fi, improved public lighting including decorative lights, new street furniture, shade trees and a sustainable watering system. The work also included the replacement of ageing water mains which traversed the Mall, the removal of asbestos containing Telstra pits and the installation of the NBN backbone. These services were installed to "future proof" the Mall and prevent disruption which could have occurred in the future when these services needed upgrading.

The Crown Street Mall project was recently awarded the Lloyd Rees Award for Urban Design by the Australian Institute of Architects. This award recognizes projects that have enhanced the public domain or contributed to community well-being.

Events

Since opening, the Crown Street Mall has hosted 56 key events including such things as Christmas functions, 3x3 basketball national event, celebrity performances, the Italian festival and Easter celebrations. Continuous ongoing events include the weekly Creative and Produce markets, the Eat Street markets every Thursday evening since January 2015 and Live Sites in the City performers including buskers. The variety of events hosted highlights the openness of the Mall design which is allowing a flexible platform with the ability to host a wide style of events.

Activation of the City Centre

In parallel with the refurbishment of the Crown Street Mall, Council has undertaken a number of activities to activate the City Centre. These include:

- Refurbishment of the Keira Street Precinct from Crown Street to Smith Street
- Undertaken the Public Spaces, Public Life Study
- Continued the Facade Rejuvenation Program
- Launched the Creative Spaces Toolkit
- Implemented free Wi-Fi within the City Centre.

Remaining Works

- Artworks - Council has engaged an Art Curator to facilitate the provision of artwork within the Crown Street Mall. Artist briefs have been issued and the artist engagement process is currently underway. The City Centre Major Projects Steering Committee will be presented with a recommendation in the coming months to appoint an artist for this project.
- Cleaning and Sealing Pavers – Council has programmed for the entire Mall pavement to be cleaned and sealed prior to the next Christmas trading period.
- Installation of the Heritage Interpretation signage.
- Replacement of wind damaged trees.

Review of the City Centre Major Projects Steering Committee

Council resolved to establish the City Centre Major Projects Steering Committee (CCMPSC) in February 2012 to oversee decisions on the design, engagement and deployment of any project nominated as a City Centre Major Project. The refurbishment of the Crown Street Mall was initially nominated followed by the City Centre Footpath Program in December 2012. A charter (established at the time of the committee) was reviewed by Council in May 2013.

Minutes of the Committee were published for transparency on Council's website.

Membership of the CCMPSA comprises:

- Lord Mayor, Councillor Gordon Bradbery (Chair)
- Councillor Michelle Blicavs
- Councillor David Brown
- Councillor George Takacs
- Councillor John Dorahy
- General Manager, David Farmer
- Economic Development Manager, Mark Grimson

Members of the committee have ensured a quorum was available at all but one meeting with other Councillors attending from time to time. The CCMPSA met on a monthly basis during the project with fortnightly meetings introduced when necessary during the peak construction periods.

A summary of the work achieved in each of the City Centre Major Projects allocated to the CCMPSA is listed below:

A Crown Street Mall Refurbishment

The CCMPSA during the duration of the project reviewed and provided oversight on the following:

- Overall project planning and progress
- Project financial reports
- Risk management and mitigation measures
- Work Health and Safety Performance on the site
- Project Communication Methodology including community feedback
- Complaints Management during Construction
- Timely decision making on matters arising.

The possibility of “scope creep” was controlled by this committee with only two additional items approved during the project as listed below.

- 1 Following a number of vandalism attacks on the installed trees in Stage 1, the CCMPSA endorsed the installation of tree guards at a cost of \$20,900 ex GST. These tree guards will be removed at an appropriate time when the trees have established and reused on other Council projects.
- 2 At the completion of Stage 1 of the works, a paver stocktake indicated that the cutting allowance may not have taken into account the complexities of the grades, joints and number of service pits. Given the long lead times to import the pavers it was agreed to reduce delivery risk by importing an additional allocation of pavers at a cost of \$59,944. The residual pavers are now securely stored at Central Depot for future repairs and maintenance.

B City Centre Footpath Program

Following the decision to allocate the City Centre Footpath Program as a City Centre Major Project, the CCMPSA considered the priority of the planned works program. The priority and timing was adjusted to ensure the refurbishment of the Keira Street precinct from Crown to Smith Streets would be delivered to match the

opening of the Crown Street Mall and the GPT development. Additional City Centre Footpath work has occurred or is currently underway throughout the City Centre as follows:

- Reconstruction of the Market Street footpath from Keira Lane to Young Street.
- Installation of traffic signals at the intersection of Burelli Street with both Auburn and Kenny Streets, including reconstruction of adjacent footpaths.
- Burelli Street – Kerb and Guttering replacement in conjunction with the Woolworths redevelopment.
- Commencement of the preparation of a Precinct Plan for the Crown Street west zone from Keira Street to Gladstone Avenue.

PROPOSAL

The CCMPSA has a continuing role to oversee the completion of artwork in the Crown Street Mall while in terms of the City Centre Footpath program, the CCMPSA has an ongoing role in overseeing the development and implementation of the West Crown Street precinct.

It is proposed to extend the term of this committee until September 2016 where the newly elected Council can review the future ongoing role of this committee.

CONSULTATION AND COMMUNICATION

Throughout the construction phase of the Crown Street Mall and the Keira Street precinct, Council employed full time communication officers to ensure that retail traders and the general public were kept informed of the progress of the works. This approach was employed due to the large number of retailers involved and the daily interaction required to bring these projects to fruition.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal “We have an innovative and sustainable economy”. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2015-16
Strategy	5 Year Action	Annual Deliverables
2.3.1 Wollongong’s City Centre is revitalised and active	2.3.1.1 Undertake major refurbishment works in the City Centre	Implement capital works within the City Centre

FINANCIAL IMPLICATIONS

In February 2013, Council allocated an original budget of \$19.4M for the refurbishment of the Crown Street Mall which included an allowance of \$300,000 for adjustments to the Sydney Water services. This budget was based on a scope of work which did not include major service adjustments.

Despite the late additions to the scope of work such as the water main replacement, the need to replace asbestos containing Telstra pits, and the installation of the NBN backbone, Council was able to deliver the project to meet the fixed opening date within 5.8% of the original budget (including forecast costs in 2015/16).

A summary of the budget, expenditure as at 30 June 2015, and forecast total expenditure is as follows:

Original Budget (No allocation or expenditure on services)

Allocated Budget excluding services	Expenditure as at 30 June 2015	Forecast expenditure 2015/16	Total Forecast Expenditure
\$19,100,000	\$17,231,786	\$1,095,347	\$18,327,133

Notes:

- 1 The original allocated \$19.4M budget is reduced by the allowance of \$300,000 provided for the adjustment of Sydney Water services.
- 2 Forecast costs include allowance for complete cleaning and resealing of the pavers prior to the 2015/16 Christmas trading period, completion of the Mall art component, replacement of wind damaged trees, miscellaneous minor works and ongoing internal charges for project management throughout the contract management period.
- 3 The major identified reduction in the original budget was the savings made in the provisional sums allocated for the removal and disposal of contaminated waste and the excavation of rock.

Overall expenditure including both Service utility adjustments and Sydney Water contribution towards the water main works

Allocated Budget excluding services	Expenditure as at 30 June 2015	Forecast expenditure (less Sydney Water contribution to works) 2015/16	Total Forecast Expenditure
\$22,300,000	\$20,194,312	\$321,436	\$20,515,748

Notes:

- 1 Additional expenditure includes the direct and indirect costs of installing the Sydney Water mains, replacement of asbestos containing Telstra pits and installation of NBN backbone services.
- 2 The forecast expenditure includes an additional \$30,000 allowance for certification and finalization of the Sydney Water main works.
- 3 Council has been advised that Sydney Water will contribute \$803,911 towards the cost of new water mains laid by Council.

Regional Development Australia Fund (RDAF)

Council received grant funding of \$4,976,333 (ex GST) towards the refurbishment of the Crown Street Mall project. Council has lodged the project completion report as required under the funding agreement and is awaiting endorsement of the final report.

The total cost (including forecast costs) to Council excluding grant funding is \$15,539,415 (ex GST).

CONCLUSION

The establishment of the CCMPSA has provided the necessary Councillor oversight of major projects within the City Centre while also providing timely decision making which was critical to achieving the fixed completion date of the Crown Street Mall refurbishment.

To maintain consistency of decision making it is appropriate to maintain the existing Councillor representation while extending the term of the committee to the end of this term of Council.

ITEM 10 INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) REVIEW

On 9 March 2015, Council considered a review of the Independent Hearing and Assessment Panel (IHAP) Charter, which included simplified referral criteria and determination wording, plus an option for electronic meetings for minor matters only (with no objections), along with other housekeeping changes. Council resolved that this Charter be placed on public exhibition and include: a requirement for Panel appointments to be endorsed by Council; and for a mid-term Charter review during each term of Council.

The IHAP Charter was subsequently amended and placed on public exhibition with two submissions received. The following report addresses the comments received during public exhibition and recommends that the IHAP Charter be adopted, with the inclusion of an extended notification period (from five to seven days), and an extended presentation time for objectors and proponents (from three to five minutes).

RECOMMENDATION

- 1 The revised Independent Hearing and Assessment Panel (IHAP) Charter be adopted.
- 2 Those making submissions be advised and thanked.

ATTACHMENTS

- 1 Amended IHAP Charter (showing track changes)
- 2 Amended IHAP Charter (including track changes)

REPORT AUTHORISATIONS

Report of: Mark Riordan, Manager Development Assessment and Certification
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods

BACKGROUND

The Independent Hearing and Assessment Panel (IHAP) was introduced by Council in 2008 in line with specific recommendations for Wollongong City Council by the Independent Commission Against Corruption (ICAC), and has been periodically reviewed on four occasions from 2009-2012. IHAP has been operating for over six years providing independent assessment of Development Applications (DAs) and recommendations to Council before final determination.

The IHAP has proven itself to be a robust process for the consideration of controversial and complex development proposals. It offers a range of benefits including:

- An independent forum for consultation and decision making;

- Expert independent peer review of staff DA recommendations;
- Removes pressure for political involvement in DA decisions;
- Provides for expert feedback on council planning controls and processes; and
- Delivers a cost effective and timely resolution for controversial development proposals.

At its meeting of 9 March 2015, Council considered a report on a periodic review of the IHAP Charter and resolved that:

- 1 *The revised Independent Hearing and Assessment Panel (IHAP) Charter be amended as follows and then placed on public exhibition for a minimum period of 28 days:*
 - a *Last sentence in point 5.2 remove the words 'do not' which now reads 'Panel appointments require Council endorsement'.*
 - b *The Charter being subject to a mid-term review during each term of Council.*
- 2 *The Charter return to Council for consideration following the exhibition period.*

The IHAP Charter has been amended and exhibited in accordance with the above Council resolution. This report responds to the exhibition comments and proposal further minor changes.

PROPOSAL

An amended IHAP Charter (attached) is now recommended for adoption. Point 1(a) and (b) of Council's above resolution have been incorporated into the amended IHAP Charter, and it has been exhibited as per recommendation 2. This amended IHAP Charter is consistent with the version reported to Council on 9 March. Following public exhibition further changes are recommended to extend notification period and to extend objectors presentation time. A summary of all proposed changes to the Charter is provided below:

- Refinement of IHAP referral criteria and determination process;
- Allowing for electronic meetings on minor matters only (raising no objections);
- Include recent changes to reflect 'assumed concurrence' from the Secretary of the Department of Planning and Environment;
- Minor housekeeping changes throughout document;
- Clarification of Panel recruitment process (requiring Council endorsement);
- Identifying Charter review period (mid-term of Council);
- Extended minimum notification period of IHAP matters (agenda and reports) from five to seven days; and

- Extended presentation times for speakers (both objectors and proponents) from three to five minutes.

CONSULTATION AND COMMUNICATION

The amended IHAP Charter was placed on public exhibition between 29 April 2015 and 27 May 2015, and included a notice in the Advertiser along with a dedicated page on Council's website. A copy of the draft amended Charter was made available in Council's Customer Service area. Email notification was also sent to the conveners of all Neighbourhood Forums (NF).

Two written submissions were received, one from NF5 and one from a planning consultant. Fifty-one (51) people visited the online exhibition page and 16 people downloaded the documents, there were no online submissions.

All issues raised in the two submissions are addressed in the table below with staff comment provided.

Public Submissions – issues raised	Staff Comment
<p>There is no indication in Charter that IHAP decisions are 'nonbinding'.</p> <p>(Planning consultant)</p>	<p>The IHAP Charter states that IHAP is a review body which undertakes hearings and reviews assessment reports, and makes recommendations to Council. The IHAP Chair also clarifies this role at the commencement of IHAP meetings. No further clarification is considered necessary.</p>
<p>I would like to see a clear definition for the term "unresolved objections".</p> <p>(Planning consultant)</p>	<p>The number of unresolved objections is used in the criteria to refer matters to IHAP (cl 1.0 - 1.9 IHAP Charter). All objections remain unresolved unless there is evidence to confirm otherwise.</p>
<p>In the hierarchy of "Objectives", placed first should be:</p> <p><i>To achieve development outcomes consistent with Wollongong's Local Environmental Plan(s) (LEPs) and Development Control Plans (DCPs).</i></p> <p>(Planning consultant)</p>	<p>The objectives are in no particular order or priority. The IHAP Charter aims to deliver independence and transparency to development decisions, particularly for more sensitive applications. This includes holding public hearings and providing a peer review of assessment reports.</p>
<p>IHAP Functions in cl 4.1 should include the following adjustment (in brackets):</p> <p><i>To consider and make recommendations with (clear valid reasons of support) supporting reasons (to assist a) for final determination by the Council on Development Applications listed in Section</i></p>	<p>IHAP discusses issues at the public hearing and provides a report to Council following the hearing which is publically available. The IHAP report includes relevant findings and recommendations.</p>

Public Submissions – issues raised	Staff Comment
<p><i>1.0 above following Council assessment.</i> (Planning consultant)</p>	
<p>IHAP Meeting Notification and Reporting should include: <i>The Panel shall provide reports in accordance with the template provided ... and otherwise wherever appropriate in firm accord with Section 79C of the EPA&A Act 1979.</i> (Planning consultant)</p>	<p>Clause 4.5 clarifies that the IHAP must comply with statutory provisions under the LG and EP&A Acts.</p>
<p>IHAP Assessment Procedures (cl 8) should include: <i>Prior to any site inspection or public hearing the panel member must confirm with the Manager DAC that they have received, considered and understood all the documents related to the Application being assessed.</i> (Planning consultant)</p>	<p>All relevant documents are made available to Panel members before, during and after the hearing. This includes: all objector submissions; the staff report; and the application detail/documentation. The proposed declaration is considered unnecessary.</p>
<p>The Panel when making any final recommendation should do so having due regard to Section 79C and Sect. 80 of the EP&A Act 1979. (Planning consultant)</p>	<p>Clause 4.5 clarifies that the Panel must comply with statutory provisions under the LG and EP&A Acts. Section 8 of Charter is considered to adequately outline the IHAP recommendation requirements.</p>
<p>When the Panel fails to reach a unanimous decision the matter it should be referred to Council for determination. (Neighbourhood Forum 5)</p>	<p>The IHAP members generally work through issues in order to present a unanimous position on DA recommendations. Nevertheless there will be occasions where this cannot be achieved. It is considered appropriate to continue to rely on the majority IHAP position (and to continue to record any dissenting view), as is the case in other similar forums such as Joint Regional Planning Panel (JRPP). Escalating a matter to Council for determination adds time and delay to the process, and encourages political involvement in DA decision making. Council also retains the ability to determine any DA (other than JRPP matter) via a Council resolution.</p>

Public Submissions – issues raised	Staff Comment
<p>The original DA file should be available once the IHAP report is public. (Neighbourhood Forum 5)</p>	<p>The electronic “DA file” contains all DA material including submissions and is only available via Government Information Public Access Act, upon formal request.</p> <p>DA plans and documents are available online (or via Customer Service) during the public exhibition period. Any significant changes made to the DA plans/documents are also re-exhibited and made available online. The IHAP report contains the version of plans relevant to the final assessment. Any documents not included in the IHAP report may be made available upon request. Whilst there is merit in generally expanding the availability of plans and documents for DAs, this must be balanced against the risk of confusion over superseded plans/documents, and copyright and privacy issues.</p> <p>Council continues to provide an online register of DA determinations. No changes are proposed at this time.</p>
<p>Presentation times should be extended from 3 to 5 minutes. (Neighbourhood Forum 5)</p>	<p>Currently presentation time to the IHAP is limited to three minutes per speaker. This aims to help speakers stay focussed and for meetings to be completed in a reasonable timeframe. However in practice the IHAP Chair regularly allows greater time period for submissions. An extended time from three to five minutes is considered to be more consistent with community expectations.</p>
<p>Meeting notification should be extended from 5 days to 5 working days. (Neighbourhood Forum 5)</p>	<p>IHAP agendas are currently made available to Councillors, IHAP and the public at the same time. Clauses 6.2 and 6.3 clarify that IHAP agendas shall be made available to Panel Members five days prior to the meeting in hard copy or electronic format. Notwithstanding this an extended notification period (from five to seven days) is achievable and is more aligned with community expectations, and is supported.</p>

Following public exhibition the IHAP Charter has been further amended to incorporate an extended notification period from five to seven days (cl 6.2 and 6.3), and include an extended presentation time for speakers during the public hearing process from three to five minutes (cl 7.9).

PLANNING AND POLICY IMPACT

This report relates to the commitments of Council as contained within the Strategic Management Plans:

Wollongong 2022 Community Goal and Objective – This report contributes to the Annual Plan 2015-16 Objective 1.6.3. Annual Deliverable: *Administer the Independent Hearing and Assessment Panel.*

FINANCIAL IMPLICATIONS

Current IHAP budget is \$54,773.00 with no changes proposed.

CONCLUSION

IHAP continues to provide a transparent process for stakeholders to discuss and review relevant applications. IHAP has been in operation for six years and the Charter is up for periodic review. Comments and feedback from existing IHAP members, Council staff, community and others exposed to the IHAP has been considered.

The amendments proposed in this report will improve the operation of IHAP by simplifying and clarifying the IHAP triggers and determination process along with other housekeeping changes, and enable electronic meetings where appropriate. Following notification changes have also included an extended presentation period for speakers during the public hearing process from three to five minutes and an extended notification period from five to seven days. It is recommended that the amended IHAP Charter now be adopted.

ITEM 11 POLICY REVIEW: POSITIVE WORKING RELATIONSHIPS

This policy was last reviewed and endorsed by Council on 13 August 2012. Changes to relevant legislation have been incorporated in this review together with a requirement to track and monitor complaints of bullying, harassment and discrimination.

RECOMMENDATION

The revised Positive Working Relationships Policy be endorsed.

ATTACHMENT

Draft Positive Working Relationships Policy

REPORT AUTHORISATIONS

Report of: Tom Tyrpenou, Manager Human Resources

Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

The Positive Working Relationships Policy forms part of the Wollongong City Council Code of Conduct adopted by Council on 25 February 2013. All amendments to the policy are consistent with Sections 5.6 to 5.10 of the Code.

Future reviews of the Code of Conduct and Positive Working Relationships Policy should be scheduled together to allow policy alignment should a more indepth and significant redraft be required.

PROPOSAL

The policy has been updated, to ensure it is consistent with the legislative framework surrounding workplace bullying, harassment and discrimination. The update also requires the Manager Human Resources to monitor and track formal complaints of bullying, harassment and discrimination.

CONSULTATION AND COMMUNICATION

The Professional Conduct Coordinator and Work Health and Safety Manager have been consulted as part of reviewing the draft policy.

PLANNING AND POLICY IMPACT

It specifically addresses the Annual Plan 2015-16 Key Deliverables Community Goal 4 We are a connected and engaged community which forms part of the Five Year Action 4.4.4.1 Ensure policies and procedures are regularly reviewed, updated and promoted contained within the Revised Delivery Program 2012-17.

CONCLUSION

The policy is referred to Council for adoption.

ITEM 12

BANK GUARANTEES FOR SUBDIVISIONS AND DEVELOPMENT POLICY

The draft Bank Guarantee for Subdivisions and Development Policy proposes to replace the current Bank Guarantee or Equivalent – Receipt, Retention and Release Management Policy. The revised Policy provides guidelines for when Council will consider a bank guarantee for certain incomplete works required to be constructed in association with a subdivision or development.

RECOMMENDATION

- 1 Council's current 'Bank Guarantees or Equivalent Receipt, Retention and Release Management Policy' be revoked.
- 2 The Draft Bank Guarantee Policy for Subdivisions and Development be adopted.
- 3 The adopted policy be advertised in the local newspaper.

ATTACHMENTS

- 1 Draft Council Policy – Bank Guarantee for Subdivisions and Development
- 2 Bank Guarantees or Equivalent – Receipt, Retention and Release Management Policy

REPORT AUTHORISATIONS

Report of: Mark Riordan, Manager Development Assessment and Certification
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods

BACKGROUND

The draft Bank Guarantee Policy for Subdivisions and Development Policy replaces the previous Bank Guarantee or Equivalent – Receipt, Retention and Release Management Policy.

PROPOSAL

The draft Bank Guarantee Policy for Subdivisions and Development aims to enable Council to consider a request from an applicant/developer to accept a bank guarantee for certain incomplete public works (eg road works, kerb and guttering, drainage works etc), in order to enable the issue of the Subdivision Certificate or Interim Occupation Certificate, prior to the completion of such works.

The draft policy proposes that a bank guarantee shall be generally 130% of the costs of construction of the incomplete works plus any additional increase due to the timing of the works, as agreed by Council. This will ensure that Council is not disadvantaged should it be necessary for Council to arrange for the works to be carried out.

The cost of construction of the incomplete works to be bonded shall be undertaken by a quantity surveyor or a suitably qualified and experienced civil engineer/contractor using a recognised construction cost guide (eg Cordell's e-Costing Guide).

CONSULTATION AND COMMUNICATION

The draft policy was prepared in consultation with Council's General Counsel and Development Engineering Manager.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal 1 "We value and protect our environment" through objective 1.6 "The sustainability of our urban environment is improved".

It specifically delivers on core business activities as detailed in the Development Assessment Service Plan 2015-16.

FINANCIAL IMPLICATIONS

The draft policy proposes that a bank guarantee shall be generally 130% of the costs of construction of the incomplete works plus any additional increase due to the timing of the works, as agreed by Council. This will ensure that Council is not financially disadvantaged in the unlikely event that Council is required to arrange for the works to be carried out.

CONCLUSION

The draft Bank Guarantee for Subdivisions and Development Policy provides guidelines for when Council will consider a bank guarantee for certain incomplete works required to be constructed in association with a subdivision or development. The draft policy is recommended for final adoption. If adopted, the policy is recommended to be advertised in the local newspaper highlighting its formal adoption.

ITEM 13 UPDATE ON DELIVERY OF CULTURAL PLAN 2014-2018

On 26 May 2014 Council endorsed the Wollongong Cultural Plan 2014-2018, including the:

- Cultural Action Plan,
- Live Music Action Plan, and
- Wollongong City Centre Evening Economy Action Plan.

This report provides an overview of the activities and outcomes of the first year of Action Plan Strategies (July 2014 to June 2015).

RECOMMENDATION

The information be received and noted.

ATTACHMENT

Statistical Graphs for Action Plans

REPORT AUTHORISATIONS

Report of: Kerry Hunt, Manager Community, Cultural and Economic Development
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

The Cultural Plan identified 146 strategies across the five key objectives. In its first year 86 strategies were commenced and six completed. Graphical representation of the outcomes of the three Action Plans is outlined in Attachment 1.

Highlights across the five key objectives are:

Objective 1 – An Inclusive and Connected City

- Council provided a total of \$6,000 to five community groups for NAIDOC Week activities.
- Choreographer, Jo Clancy, ran three workshops with the Illawarra Flame Trees to share knowledge, build on their repertoire of skills in contemporary Aboriginal dance resulting in a unique and creative performance for the ALGWA Conference held in Wollongong during May 2015.
- Received grant totalling \$32,000 from Museums and Galleries NSW and commenced the Virtual Museum of Wollongong: Building A New Identity Project.

- Live music events are now included in the weekly cultural newsletter including links to other sites and the Destination Wollongong calendar of events which is available for musicians to access.
- WiFi continued to be provided and well utilised in Crown Street from the Railway Station to Corrimal Street, in Globe Lane and the Arts Precinct.

Objective 2 – Celebrating Our Places

- Creative Spaces – first artists installed in Lower Town Hall.
- Delivered public art projects in the public domain in partnership with the community, business and other Council divisions (eg Migration Heritage Project, Illawarra Remembers – ANZAC Panels, Corrimal Wall Mural and the Arts Precinct Art Panels).
- As a result of the choreography and dance workshops, facilitated by choreographer Jo Clancy, two young dancers from the local Aboriginal dance troupe, Illawarra Flame Trees, have been selected to attend future training with the Wagana Dancers.
- Digital Art Projections Project – a public outdoor screening thirteen large scale digital artworks in the forms of video, animation, 3D animation, stop frame animation, experimental video, photo montage and music videos with soundtracks. This program was screened over three nights with over 1,000 people engaged with the digital art display.
- Exeloo installed in MacCabe Park, Wollongong and included the commissioning of a large emerging artist to develop an artwork for the external cladding. Artist, Trina Collins, engaged with children and young people to develop the final design.

Objective 3 – Smart Economy

- Council supported the partnership with Wild Rumpus and the School for Social Entrepreneurs to deliver a training course for emerging social entrepreneurs with thirteen participants who want to set up a Social Enterprise.
- Success of the Friday Markets, Eat Street, Foragers Market, Viva, Twilight Markets and new bars and cafes continues.
- Council officer from the Small Business Assessment Team attended the Creative Spaces and the Built Environment forum at the University of Sydney where a discussion paper is being prepared on the Building Code of Australia and Cultural Practice.
- Public Spaces Public Life study currently being undertaken in partnership with Gehl Architects.
- A significant addition to the Section 149 certifications has been implemented with the following wording:

“The Wollongong City Centre and Town Centres play a key role in accommodating cultural, sporting and business uses. A key to the revitalisation of these centres is to build on these aspects through greater activation and investment beyond 5pm through an evening economy. Future residents should be aware that these uses may generate noise, odour, traffic and have longer hours of operation, which is part of living in/near a commercial centre.”

Objective 4 – Vibrant and Cultural Community

- Hugh McKay delivered a seminar titled *“The Art of Belonging: It’s not where you live, it’s how you live”* in partnership with University of Wollongong, with over 200 attendees.
- Forty young people participated in a Master Barista Program at the Wollongong Youth Centre. As a result, three of the young people have been able to gain part-time or casual employment in the industry.
- In November 2014, Wollongong City Council staff met with Cultural staff from various Sydney Councils (City of Sydney, Marrickville and Leichhardt) with a view of encouraging the development of live music venues and small bars.

Objective 5 – Civic Leadership and Governance

- Successful small cultural grant process delivered. 39 applicants received with 17 projects funded totalling \$39,500.
- City Centre Team facilitated an interactive session with city centre properties/business owners identify red tape problems. These findings have been incorporated into the strategies and actions in the Evening Economy Chapter of the Cultural Plan.
- Commenced the development of a Public Art Strategy and review of the Public Art Policy.

CONSULTATION AND COMMUNICATION

Wollongong City Council Cultural Reference Group
Regulation and Enforcement Division
Community, Cultural and Economic Development Division
Development Assessment and Certification Division
Environmental Strategy and Planning Division

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goals:

Goal 2 “We have an innovative and sustainable economy”:

- Objective 2.3 The profile of Wollongong as a regional city of the Illawarra is expanded and improved.

Goal 3 “Wollongong is a creative, vibrant city”:

Objective 3.1 Creative industries are established and fostered

Objective 3.2 The visibility of our cultural diversity is increased

Objective 3.3 Community access to arts and participation in events and festivals is increased

Objective 3.4 Strong diverse cultures thrive.

It specifically delivers on the following:

Community Strategic Plan		Delivery Program 2012-2017	Annual Plan 2015-16
Strategy		5 Year Action	Annual Deliverables
2.3.1	Wollongong’s City Centre is revitalised and active	2.3.1.3 Provide a diverse range of activities in the City Centre that target and engage a broad community	Deliver City Centre Evening Economy Strategy
3.1.2	Artists and innovators are employed, mentored and supported	3.1.2.1 Provide support to existing and emerging arts workers and their networks	Pursue projects that will advance the delivery of the Cultural Plan
		3.1.2.2 Provide opportunities for local artists and performers to exhibit, promote and perform at Council venues and events	Manage the Small Cultural Grants Program Deliver the key recommendations from the Cultural Plan and Live Music Task Force action plans

CONCLUSION

This report is submitted for the information of Council.

ITEM 14 ILLAWARRA 200 COMMEMORATIVE COUNCIL MEETING PROPOSAL

Council, in the 2015-16 Annual Plan, has a key deliverable to deliver a program of events to commemorate 200 years of European settlement in Wollongong. This report proposes the holding of an Extraordinary Meeting of Council as part of the Illawarra 200 activities and suggests options for the structure and timing of that meeting.

RECOMMENDATION

- 1 An Extraordinary Council meeting be held as part of Illawarra 200 activities.
- 2 Council nominate the preferred option for the timing of the Extraordinary Council meeting.

ATTACHMENT

There are no attachments for this report

REPORT AUTHORISATIONS

Report of: Kerry Hunt, Manager Community Cultural and Economic Development
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

In 1815 some of the Illawarra's traditional custodians led some white settlers and their cattle down the escarpment. This marked a new chapter in the story of our area that we are commemorating, 200 years on.

At its meeting of 11 March 2013 Council resolved that: *“A Committee of Council be formed to facilitate the development of events and activities to celebrate the 2015-16 Bicentenary of Wollongong. These celebrations are to be inclusive and recognise the multiple cultural stores that make up the heritage of our City”.*

In 2014 Council established the Wollongong Bicentenary Committee made up of representatives from:

- Wollongong City Council
- Shellharbour City Council
- Wollongong City Council Aboriginal Reference Group
- Wollongong City Council Heritage Advisory Committee
- Department of Education and Communities
- Independent representatives from our broader community.

The Wollongong Bicentenary Committee agreed that from the official launch of Illawarra 200, in May 2015, the following six months would showcase events focussed on our Aboriginal community and their long history in this area. From December 2015 and throughout 2016 the journey will continue with the introduction of broader community events and activities acknowledging European settlement.

At its meeting of 3 June 2015 the Wollongong Bicentenary Committee unanimously supported the suggestion of holding a Wollongong City Council commemorative Council meeting.

PROPOSAL

It is proposed that this meeting take place in December 2015 and mark the transition from the exclusive Aboriginal period to the introduction of the European history continuing the shared journey together.

The Commemorative Council Meeting would:

- Recap some of the 'notable' decisions of Council over its lifetime.
- Provide Councillors with the opportunity to recognise key aspects of our area and our community, which may include (but not limited to) the long Aboriginal history of the area, the impact of European settlement on the area, and our unique environment.

The following options are submitted for Council's consideration:

- 1 An Extraordinary Meeting of Council be held at 12 noon on Monday 7 December 2015 with key representatives from the community invited to attend.
- 2 An Extraordinary Meeting of Council be held at 6 pm on Monday 7 December 2015 with key representatives from the community invited to attend.
- 3 An extraordinary meeting of Council be held at 4 pm on Monday 14 December 2015 (prior to the scheduled ordinary meeting of Council at 6 pm) with key representatives from the community invited to attend.

CONSULTATION AND COMMUNICATION

Wollongong Bicentenary Committee
Executive Management Committee
Manager Governance and Information

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 Goal "3 Wollongong is a creative, vibrant city". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2015-16
Strategy	5 Year Action	Annual Deliverables
3.3.1 Signature events and festivals are held across the city.	3.3.1.4 Plan for and host culturally sensitive events and programs celebrating the bicentenary of European settlement in Wollongong across 2015-16.	Deliver a program of events to be held in commemoration of 200 years of European settlement in Wollongong.

CONCLUSION

The Illawarra 200 project, under the guidance of the Wollongong Bicentenary Committee, provides the platform to acknowledge our shared history, while embracing our future as a growing and diverse community. An event such as a Commemorative Council Meeting is an appropriate way to mark and formalise this period in time.

ITEM 15

POLICY REVIEW: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO LORD MAYOR AND COUNCILLORS

Section 252 of the Local Government Act 1993 requires that the Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors Policy is reviewed and adopted within five months after the end of each financial year. This report is for the purpose of placing the draft reviewed policy on public exhibition and inviting submissions from the public.

RECOMMENDATION

- 1 The draft amended Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors Policy be placed on public exhibition for a minimum period of 28 days and submissions be invited from the public.
- 2 A further report be submitted to Council following conclusion of the public exhibition period, along with a summary of any submissions received.

ATTACHMENT

Draft Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors Policy

REPORT AUTHORISATIONS

Report of: Kylee Cowgill, Manager Governance and Information
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

Council is required to adopt a policy concerning the payment of expenses incurred, or to be incurred by, and the provision of facilities to, the Lord Mayor and Councillors in relation to discharging the functions of civic office.

This policy is required to be reviewed on an annual basis to ensure accountability and transparency in the reasonable and appropriate provision of expenses and facilities to Mayors and Councillors in New South Wales.

PROPOSAL

The review of the operation of the policy since it was last amended and adopted on 13 October 2014 has been undertaken and the following changes have been recommended to the policy:

Approval Process

Under the current policy, approval for Councillor travel is based on mostly non-financial criteria. For example the Lord Mayor could approve Councillor travel within NSW or the ACT on Council business for a single night as long as the costs do not exceed \$2000 per Councillor, regardless of the number of councillors travelling; however, the Lord Mayor is not able to approve Councillor travel within NSW or the ACT on Council business for *more than* a single night regardless of how little the costs to be incurred were estimated to be. The proposed changes set monetary limits for approval of travel within NSW or the ACT on Council business.

The proposed amendment states the Lord Mayor may approve:

Costs not exceeding \$2,000 (ex GST) per Councillor, up to a maximum of \$4,000 per event, in accordance with the following criteria:

- i Applications for attendance at any event, including those requiring overnight accommodation and/or air travel within the ACT or New South Wales, including but not limited to:*
 - *Conferences/seminars;*
 - *Board meetings, meetings with government ministers or external organisations where the Councillor is Council's appointed representative;*
 - *Community functions, annual awards, dinners and other non-Council Functions;*
 - *Events where the Councillor has been invited to speak on behalf of Council.*
- ii Professional Development requests.*

Approval Process – Lord Mayor as Applicant

In addition to the above change to the approval process, it is proposed that when the applicant is the Lord Mayor *either* the Deputy Lord Mayor *or* General Manager may grant approval for travel. Where the Deputy Lord Mayor grants approval, a copy of that approval should be referred to the General Manager for noting under the current policy. It should be noted that when the Deputy Lord Mayor is also *Acting* Lord Mayor there is no option in the current policy for any approval process to be followed and the proposed amendment addresses that shortcoming. The proposed amendments would also require any approval granted to the Lord Mayor by the General Manager to be referred to the Deputy Lord Mayor for noting.

The Lord Mayor and Councillors' expenses are reported on a quarterly basis to the Corporate Governance Committee and audited every two years ensuring transparency and accountability.

Use of private vehicles on official Council business

The current policy states that when travelling within NSW or the ACT, the method of transport will be by road except in circumstances where air travel is considered the most appropriate method. It further states that only where a Council vehicle is not available is a Councillor permitted to use their private vehicle for Council purposes.

It is recognised that this may not always be the most practical or cost effective mode of travel. The following amendment is proposed:

A Councillor is permitted to use their private vehicle for (non-local) official Council related business:

- *where a Council vehicle is not available; or*
- *in circumstances where it is considered reasonable and is pre-approved by the Lord Mayor.*

Such circumstances may include where a Councillor is travelling one-way by road to a destination on Council business and continuing on from that location for non-Council related purposes. Requests for pre-approval must be made in writing. Verbal requests will not be considered.

Conference Reports

It is proposed that Councillors no longer be required to provide a report on attendance at the annual National General Assembly of Local Government conference as records of resolutions and copies of presentations are readily available.

Care and other Related Expenses

Council no longer provides a child minding service for councillors. The amendment to the policy allows for reasonable child care costs to be reimbursed to councillors whilst attending Council and Committee meetings.

Legal Expenses and Obligations

The Legal Expenses section was reviewed against the Office of Local Government's "Guidelines for the payment of expenses and the provision of facilities for mayors and councillors in NSW" and has been updated accordingly.

The Personal Accident Insurance sub-section has been updated in consideration of legislative restrictions under the Private Health Insurance Act 2007 (per Private Health Insurance (Health Insurance Business) Rules 2013 Clause 15(5)(a)).

Provision of Additional Equipment and Facilities for Lord Mayor – Motor Vehicle

This section has been updated in order to achieve a contemporary, industry best practice vehicle policy. The recommendation is for provision of "A fully serviced and maintained vehicle with a value (inclusive of GST) below the Luxury Car Tax (LCT) threshold".

Provision of Additional Equipment and Facilities for Lord Mayor – Purchase Card

A Purchase Card is provided to meet hospitality and other expenses incurred by the Lord Mayor in discharging his functions on behalf of Council. Such functions include the requirement to frequently attend meetings away from the Council's Administration Offices. This clarification ensures parking or other incidental expenses (as defined within the Policy) incurred when attending such meetings are able to be covered under the Purchase Card provisions. Use of the Purchase Card is in accordance with Council's Purchase Card Policy and any expenses incurred by the Lord Mayor are reported quarterly to the Corporate Governance Committee and included within the scope of any audit of Councillor expenses.

CONSULTATION AND COMMUNICATION

Executive Management Committee

PLANNING AND POLICY IMPACT

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

It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2015-16.

CONCLUSION

The draft policy is consistent with its objectives to ensure that:

- there is accountability and transparency in the payment of expenses incurred or to be incurred by Councillors;
- these expenses and the facilities provided to Councillors are acceptable to, and meet the expectations of, the local community;
- Council complies with legislative requirements; and
- Councillors are not financially or otherwise disadvantaged in undertaking their civic duties.

ITEM 16

PROPOSED CLARIFICATION - WOLLONGONG WASTE AND RESOURCE RECOVERY PARK FEES AND EXEMPTIONS POLICY

Customer feedback received at the Wollongong Waste and Recycling Park (Whytes Gully) has suggested that the fee exemptions applied to eligible pensioners for waste disposal should be amended. Previously, eligible pensioners who disposed of more than 100kg of waste in a single transaction would be charged for the entire transactions weight, rather than just the portion of weight that is over and above 100kg.

This report seeks approval for City Works and Services to make a clarification to the Wollongong Waste and Resource Recovery Park Fees and Exemptions Policy that would enable a more practical application of the eligible pensioner entitlement at Whytes Gully.

RECOMMENDATION

The Wollongong Waste and Resource Recovery Park Fees and Exemptions Policy be amended to include the words: *“Eligible pension card holders who dispose of greater than 100kg in any one transaction will be charged for the portion of their transaction that is greater than the 100kg limit”*.

ATTACHMENT

Draft Wollongong Waste and Resource Recovery Park Fees and Exemptions Council Policy, with the proposed clarification

REPORT AUTHORISATIONS

Report of: Troy Subotic, Manager City Works (Acting)
Authorised by: Mike Hyde, Director Infrastructure and Works – Connectivity, Assets and Liveable City

BACKGROUND

Council adopted the Wollongong Waste and Resource Recovery Park (Whytes Gully) Fees and Exemptions Policy (Policy) on 14 July 2014. The adopted Policy reduced the opportunities for waste fee exploitation that was apparent under the previous unrestricted Policy. Some of the areas of exploitation targeted in the revised Policy were:

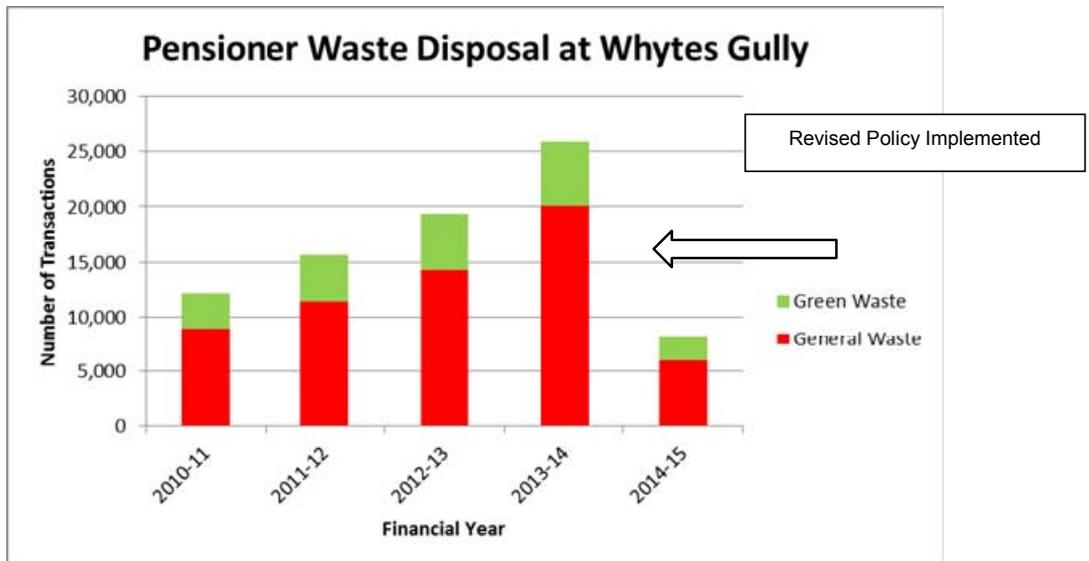
- Residents borrowing their friend’s or relative’s pension card to avoid waste disposal fees;
- Multiple fee free transactions made under a single pension card;
- Potential for “waste disposal businesses” to operate via pension card exemptions;

- Neighbouring Council residents electing to travel to Whytes Gully to dispose of waste under fee free pension card exemptions and paid for by Wollongong's residents.

Accordingly, to eliminate the aforementioned areas of exploitation, the following clauses were included into the Policy:

- All current Pensioner Concession Card holders from the Wollongong Local Government Area are exempt when taking loads of 100kg or less of general waste for landfill or garden organics for reprocessing. Proof of residency and a current Pensioner Concession Card must be provided and the cardholder present;
- All current Pensioner Concession Card holders from the Wollongong Local Government Area are exempt for a maximum of two (2) transactions per financial year of general waste for landfill and two (2) transactions per financial year of garden organics for reprocessing.

The changes were implemented for the 2014-15 financial year and have proven overwhelmingly effective; with the amount of pension card entitled fee free waste disposal transactions reduced by almost 70%, which equates to approximately 1,500 less transactions per month (see below chart). Additionally, domestic paid waste disposal transactions have increased by approximately 15% which equates to approximately 400 additional transactions per month.



However, City Works has received feedback from customers that the application of the approved pensioner entitlement could be improved. The feedback relates to the process where eligible pensioners would be charged the full general waste fee on any transaction over 100kg eg If an eligible pensioner tips 170kg of waste, they would pay for the full 170kg. However, a change to the weighbridge software has enabled eligible pensioners to only be charged for the waste that is over and above the allowable 100kg limit per transaction eg if an eligible pensioner tips 170kg of waste, they would pay for 70kg of waste only.

After consultation with Governance Information Division and Director Infrastructure and Works, the new software routine has been loaded into the Whytes Gully weighbridge and eligible pensioners are now charged only for the waste materials that are over and above the 100kg per transaction exemption.

However, Governance Information Division has also indicated that this change will require a clarification to the Wollongong Waste and Resource Recovery Park Fees and Exemptions Policy through Council endorsement. The purpose of this report is to obtain approval to add the wording clarification to the approved Policy as described in the Proposal section of this report.

PROPOSAL

It is proposed that Item 5 the Wollongong Waste and Resource Recovery Park Fees and Exemptions Council Policy be amended to include the clarification provided in italics below:

All current Pensioner Concession Card holders from the Wollongong Local Government Area are exempt when taking loads 100kg or less of General Waste for landfill or Garden Organics for reprocessing (proof of residency and a current Pensioner Concession Card must be provided and the cardholder present). *Eligible pension card holders who dispose of greater than 100kg in any one transaction will be charged for the portion of their transaction that is greater than the 100kg limit.*

CONSULTATION AND COMMUNICATION

The following Council Departments/Representatives have been consulted in the creation of this report:

- Governance Information Division
- Director Infrastructure and Works
- The Waste Steering Committee
- Executive Management Committee
- Office of the Lord Mayor

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal “We Value and Protect Our Natural Environment”.

It specifically delivers on core business activities as detailed in the Waste Management Service Plan 2015-16 and the Wollongong Waste and Resource Recovery Strategy 2022.

RISK ASSESSMENT

A restricted quantity of fee-free transactions entitled to pensioners has undoubtedly impacted some pensioners who exploited the previous unrestricted system which was intended to cover incidental small loads of waste. The changes proposed in this report

will improve Councils service delivery to eligible pensioners at Whytes Gully which currently stands at over 2,000 fee free transactions per month.

Additionally, implementation of two individual transaction exemptions of up to 100kg fee-free per financial year may lead to complaints from eligible pensioners seeking a one off 200kg exemption. However, the weighbridge software used at Whytes Gully is unable to economically track weight accumulations on a per customer basis and furthermore, this is incongruent with the intent of the Policy which is to cater for smaller type transactions.

No public exhibition period is planned for the proposed clarification. This is because the change has been enabled through a technology improvement and the ensuing clarification will only provide greater simplicity to a process that customer feedback has indicated to be confusing and unnecessary.

FINANCIAL IMPLICATIONS

Policy amends applied at the commencement of the 2014-15 financial year have reduced the incidents of Policy misuse. The amendments are ostensibly responsible for a 70% reduction in pensioner fee-free waste disposal and have also led to a 15% increase in domestic small vehicle loads, which have resulted in a net positive turnaround valued at approximately \$240,000 per year. Application of the proposed Policy clarification is expected to reduce the positive value by less than \$5,000.

CONCLUSION

The proposed clarification to the Wollongong Waste and Resource Recovery Park Fees and Exemptions Council Policy is necessary to reduce confusion at the Whytes Gully weighbridge and to more optimally implement the Policy intent.

ITEM 17 TENDER T15/21 - BALD HILL RESERVE UPGRADE STAGE 2B

This report recommends acceptance of a tender for Bald Hill Reserve Upgrade Stage 2B in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

The purpose of the tender is to upgrade the Bald Hill Reserve site services, landscaping and street furniture.

Two tenders were received and the report recommends Council accept the tender submitted by Co-Ordinated Landscapes Pty Ltd.

RECOMMENDATION

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Co-Ordinated Landscapes Pty Ltd for Stage 2B of the Bald Hill Reserve Upgrade, in the sum of \$2,180,500.00, 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.

ATTACHMENT

Location Plan – Bald Hill Reserve Upgrade Stage 2B

REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery
Authorised by: Mike Hyde, Director Infrastructure and Works – Connectivity, Assets and Liveable City

BACKGROUND

The upgrade of the Bald Hill Reserve commenced in April 2015 with early works on the central car park in order to maintain some access to the site. Roads and Maritime Services (RMS) is currently constructing a new roundabout, northern car park and other associated road works. These road works are anticipated to be completed in November 2015.

This tender includes the following works:

- Provision of a sewage pumping station and connection to the Sydney Water sewer in Stanwell Park (site was previously serviced by a pump out connection)
- Formalisation of lower car park
- Provision of fully accessible pathways linking the site features

- Provision of electrical services throughout the site
- Street furniture including seats, bollards, bins and bubblers
- Landscaping

A tender for new public amenities will be a separate tender in the near future.

Tenders were invited by the open tender method with a close of tenders of 10.00 am on Tuesday, 11 August 2015.

Two 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, Governance and Information, Finance, Human Resources and Property and Recreation Divisions.

The Tender Assessment Panel assessed all tenders in accordance with the following assessment criteria and weightings as set out in the formal tender documents:

- 1 Cost to Council – 25%
- 2 Appreciation of scope of works and construction methodology – 20%
- 3 Demonstrated experience and satisfactory performance in undertaking projects of similar size, scope and risk profile – 20%
- 4 Project schedule – 10%
- 5 Proposed sub-contractors – 10%
- 6 Demonstrated strengthening of local economic capacity – 5%
- 7 Workplace health and safety documentation – 5%
- 8 Environmental management policies and procedures – 5%

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

Tenderer	Ranking
Co-Ordinated Landscapes Pty Ltd	1
Select Civil Pty Ltd	2

PROPOSAL

Council should authorise the engagement of Co-Ordinated Landscapes Pty Ltd to carry out Stage 2B of the Bald Hill Reserve Upgrade 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

This project has been the subject of extensive consultation prior to the commencement of the project and the community have been informed at each stage regarding the progress of these works.

During the preparation of this tender, Council consulted with the following:

- 1 Members of the Tender Assessment Panel
- 2 Nominated Referees

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective 2.2.2 Efforts are coordinated to secure tourism infrastructure in the region and attract new industries.

It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2015-16
Strategy	5 Year Action	Annual Deliverables
2.2.2 Efforts are coordinated to secure tourism infrastructure in the region and attract new industries	2.2.2.2 Use funds obtained from Restart NSW Illawarra to commence concept design and planning for the Bald Hill Improvement Program	Implement the Bald Hill Master Plan

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 Management Plan –

2015/16 Capital Program

The overall Bald Hill Reserve Upgrade project is part funded by NSW Restart Illawarra Infrastructure Fund in the amount of \$2,900,000 (excluding GST).

CONCLUSION

Co-Ordinated Landscapes Pty Ltd has submitted an acceptable tender for this work. Council should endorse the recommendations of this report.

ITEM 18 TENDER T15/12 - EMPLOYEE ASSISTANCE SERVICES

This report recommends acceptance of a tender for Employee Assistance Services in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005. This service provides assistance to employees who have experienced personal and work related problems that affect their performance at work. It is recognised that the operation of an effective employee assistance program provides direct benefits to Council employees and consequently to the productivity of Council.

Four tenders were received and the report recommends Council accept the tender submitted by Mentor Services.

RECOMMENDATION

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178(1)(a), Council accept the tender of Mentor Services for the provision of an employee assistance program in the sum of \$58,000 (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.

ATTACHMENT

There are no attachments for this report

REPORT AUTHORISATIONS

Report of: Tom Tyrpenou, Manager Human Resources
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

Tenders were invited by the open tender method with a close of tenders of 10.00am on 26 June 2015.

Four tenders were received by the close of tenders and all tenders have been scrutinised and assessed by a Tender Assessment Panel (Panel) constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Human Resources, Finance, Property and Recreation and Governance and Information Divisions.

The Panel assessed all tenders in accordance with the following assessment criteria and weightings as set out in the formal tender documents:

- 1 Cost to Council – 40%
- 2 Demonstrated experience and satisfactory performance in provision of employee assistance services – 30%
- 3 Proposed methodology for delivery of services – 10%
- 4 Staff qualifications and experience – 10%
- 5 WHS/Risk Management Policies and Procedures – 5%
- 6 Demonstrated strengthening of local economic capacity – 5%

The Panel utilised a weighted scoring method for the assessment of tenders, which allocates a numerical score out of five in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account predetermined weightings for each of the assessment criteria, which provides for a total score out of five to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessment and the ranking of tenders.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

Tenderer	Ranking
Mentor Services	1
Psychological Health Interventions Pty Ltd	2
Converge International	3
IOH	4

PROPOSAL

Council authorise the engagement of Mentor Services to carry out the employee assistance program 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.

CONSULTATION AND COMMUNICATION

Members of the Tender Assessment Panel

PLANNING AND POLICY IMPACT

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

It specifically delivers on core business activities as detailed in the Human Resources Service Plan 2015-16.

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 low 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 as identified in the Management Plan –

Employee Assistance Counselling – Cost Centre 1020

CONCLUSION

Council endorse the recommendations to provide an employee assistance program for its employees.

ITEM 19 JULY 2015 FINANCIALS

The July 2015 financial results are considered to be only indicative as it is early in the year and no apparent trends will have been established. However, the result for the month of July is favourable compared to phased budget over some indicators. The Operating Result (pre capital) is favourable by \$0.9M while the Funds Result shows an unfavourable variance compared to the phased budget of \$0.6M.

The favourable variance is largely due to timing of a range of income and expenditure items compared to the phased budget. The budget has been phased using a combination of month end cut off dates, prior year patterns and specific timing where available that may not reflect actual expenditure patterns particularly in the early months of the year. These patterns will be refined through the coming months.

The Cash Flow Statement at the end of the period indicates that there is sufficient cash to support external restrictions.

Council has expended \$2.8M on its capital works program representing 3% of the annual budget. The year to date budget for the same period was \$2.6M.

RECOMMENDATION

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

ATTACHMENTS

- 1 Income, Expense and Funding Statement – July 2015
- 2 Capital Project Report – July 2015
- 3 Balance Sheet – July 2015

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Manager Finance
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

This report presents the Income and Expense Statement, Balance Sheet and Cash Flow Statement for July 2015. Council's current budget has a Net Funding (cash) deficit of \$3.1M, an Operating Deficit [Pre Capital] of \$6.4M and a capital expenditure of \$86.3M. At the end of July, Council remains on target to the operational components of this result.

The following table provides a summary view of the organisation's overall financial results for the year to date.

FORECAST POSITION		Original Budget	Revised Budget	YTD Forecast	YTD Actual	Variation
KEY MOVEMENTS		1-Jul	31-Jul	31-Jul	31-Jul	
Operating Revenue	\$M	249.5	249.5	20.9	21.1	0.1
Operating Costs	\$M	(255.9)	(255.9)	(21.2)	(20.5)	0.7
Operating Result [Pre Capital]	\$M	(6.4)	(6.4)	(0.3)	0.6	0.9
Capital Grants & Contributions	\$M	14.5	14.5	1.1	1.0	(0.1)
Operating Result	\$M	8.1	8.1	0.9	1.6	0.7
Operational Funds Available for Capital	\$M	48.2	48.2	5.3	5.0	(0.3)
Capital Works		86.3	86.3	2.6	2.8	(0.2)
Contributed Assets		-	-	-	-	-
Transfer to Restricted Cash		-	-	-	-	-
Funded from:						
- Operational Funds	\$M	48.2	48.2	5.3	5.0	(0.3)
- Other Funding	\$M	34.9	34.9	0.7	0.4	(0.3)
Total Funds Surplus/(Deficit)	\$M	(3.1)	(3.1)	3.3	2.7	(0.6)

Financial Performance

The July 2015 Operating Result [pre capital] shows a positive variance compared to budget of \$0.9M. This variation is discussed in greater detail below.

Funds Result

The Total Funds result as at 31 July 2015 shows a negative variance of \$0.6M. The positive variation in the operating result has been offset by higher than budgeted leave entitlements paid to employees upon cessation of employment in July (\$0.5M) and lower expenditure on externally funded operational projects (\$0.8M) compared to phased budget.

Capital Budget

As at 31 July 2015, Council had expended \$2.7M or 3% of the approved annual capital budget of \$86.3M. Further detail regarding the capital spend is outlined in the capital report in Attachment 2.

Liquidity

Council's cash and investments decreased during July 2015 to holdings of \$141.9M compared to \$144.7M at the end of June 2015. This reflects normal trends for this time of the year as Council awaits the first rate instalment in August.

Council's cash, investments and available funds positions for the reporting period are as follows:

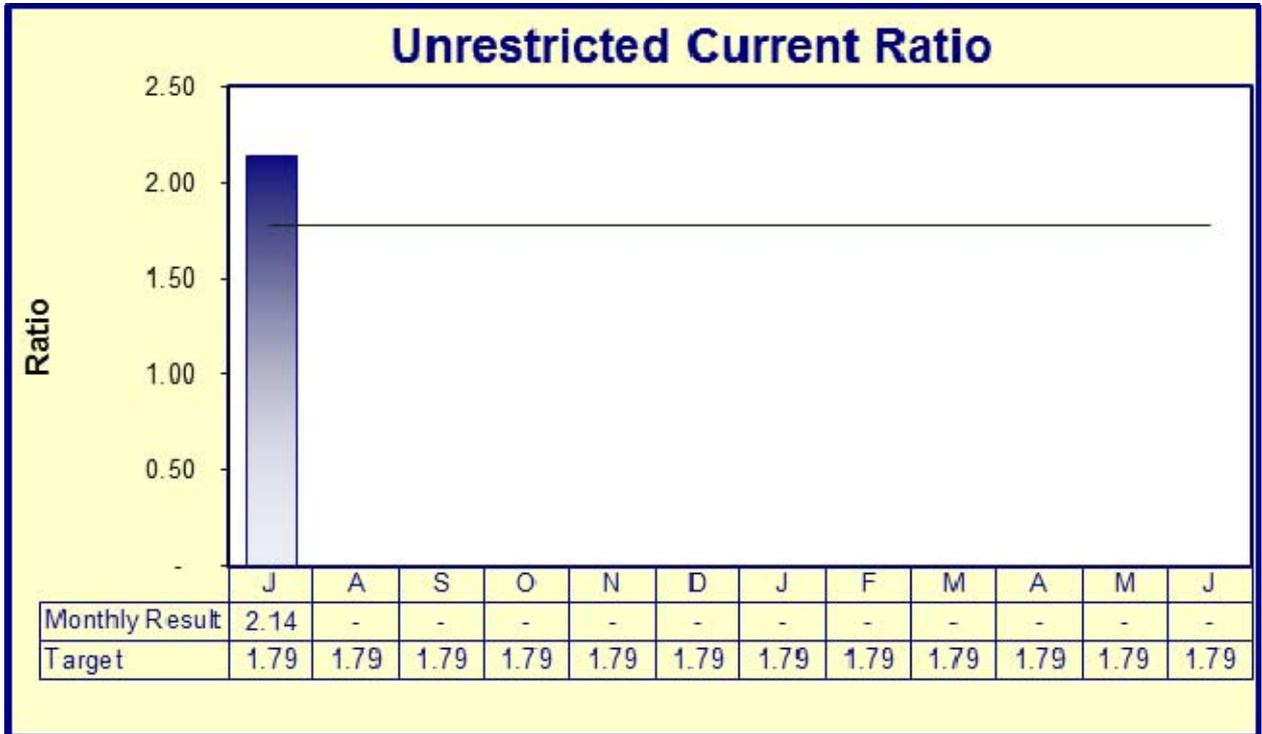
CASH, INVESTMENTS & AVAILABLE FUNDS			
	Actual 2014/15	Original Budget 2015/16	Actual Ytd 31 July 2015
	\$M	\$M	\$M
Total Cash and Investments	144.7	118.8	141.9
Less Restrictions:			
External	73.3	62.6	74.6
Internal	46.3	43.5	46.6
Total Restrictions	119.7	106.1	121.3
Available Cash	25.0	12.7	20.6
Adjusted for :			
Current payables	(29.1)	(23.0)	(27.8)
Receivables	26.4	29.5	32.3
Net Payables & Receivables	(2.7)	6.5	4.5
Available Funds	22.3	19.2	25.1
*Original budget adjusted for pre audit 2014/15 result			

The available funds position excludes restricted cash. External restrictions are funds that must be spent for a specific purpose and cannot be used by Council for general operations. Internal restrictions are funds that Council has determined will be used for a specific future purpose.

Based on the end of year results for 2014-15, the adjusted Available Funds forecast is now above Council's Financial Strategy target of 3.5% to 5.5% of Operational Revenue [pre capital]. Based on the Adopted 2015-16 Annual Plan, the target Available Funds is between \$8.7M and \$13.7M for year ending 30 June 2015. The actual Available Funds at 31 July 2015 are above that level due to the favourable 2014-15 financial result.

The Available Funds position, together with additional funds held as restricted cash, offer opportunity to review delivery programs or projects in the short to medium term through the strategic management cycle.

The Unrestricted Current Ratio measures the cash/liquidity position of an organisation. This ratio is intended to disclose the ability of an organisation to satisfy payment obligations in the short term from the unrestricted activities of Council. Council's current ratio is above the Local Government Benchmark of >2:1, however, the strategy is to maximise the use of available funds for asset renewal by targeting a lean unrestricted current ratio.



Receivables

Receivables are the amount of money owed to Council or funds that Council has paid in advance. Non-current rates debtors are included in this amount to measure Available Funds. At July 2015, receivables totalled \$19.2M, compared to receivables of \$33.0M at July 2014. Fluctuations relate to the timing of rates payments which are accrued before the actual payments are due, and a high level of prepayments (shown as 'Other' on the Balance Sheet) reflecting payments made in advance.

Payables

Payables (the amount of money owed to suppliers) of \$27.8M were owed at July 2015 compared to payables of \$33.2M in July 2014. The majority of payables relate to goods and services and capital projects delivered but not yet paid for and rating income received in advance. Variations that occur between reporting periods generally relate to payables for capital projects that are underway.

Debt

Council continues to have financial strength in its low level of borrowing. The industry measure of debt commitment is the Debt Service Ratio that measures the proportion of revenues that is required to meet annual loan repayments.

Council's Financial Strategy includes provision for additional borrowing in the future and Council will consider borrowing opportunities from time to time to bring forward the completion of capital projects where immediate funding is not available. In 2009-10, Council borrowed \$26M interest free to assist in the delivery of the West Dapto Access Plan. Council has also been successful in securing loan funds under the Local

Government Infrastructure Renewal Scheme of \$20M in 2012-13 and \$4.3M in 2013-14 that will be used over a five year period to accelerate the Citywide Footpaths and Shared Path Renewal and Missing Links Construction Program and building refurbishment works for Berkeley Community Centre, Corrimal Library and Community Centre and Thirroul Pavilion and Kiosk respectively. A further \$15M has been drawn down during February under Round Three of this program that provides a subsidy of 3%. The additional loan funds will be used to support the West Dapto Access – Fowler’s Road to Fairwater Drive project. Council’s Debt Service Ratio forecast for 2015-16 is approximately 1.9% which is still below Council’s target of 4% and remains low in comparison to the Local Government’s benchmark ratio of <10%.

It is noted that non-cash interest expense relating to the amortisation of the income recognised on the West Dapto Access Plan Loan is not included when calculating the Debt Service Ratio.

Assets

The Balance Sheet shows that \$2.4B of assets are controlled and managed by Council for the community as at 31 July 2015. The 2015-16 capital works program includes projects such as the Cordeaux Road shared path, Berkeley Community Centre upgrade, civil asset renewals including roads, car parks and buildings and purchase of library books. At the end of July, capital expenditure amounted to \$2.8M.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal ‘We are a connected and engaged community’. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-17	Annual Plan 2015-16
Strategy	5 Year Action	Annual Deliverables
4.4.5 Finances are managed effectively to ensure long term financial sustainability	4.4.5.1 Effective and transparent financial management systems are in place	Provide accurate and timely financial reports monthly, quarterly and via the annual financial statement
		Continuous Budget Management is in place, controlled and reported
		Manage and further develop compliance program
		Monitor and review achievement of Financial Strategy

CONCLUSION

The results compared to budget for the early months of the year can be distorted by the phasing methodology applied to the budget compared to actual project and program progress. The results for July 2015 are generally within projections over a range of financial indicators and it is expected that Council will achieve the forecast annual results.

ITEM 20 STATEMENT OF INVESTMENTS - JULY 2015

This report provides an overview of Council's investment portfolio performance for the month of July 2015.

Council's average weighted return for July 2015 was 3.81% which was above the benchmark return of 2.12%. The result was primarily due to solid returns received on term deposits and the positive marked to market valuation of the CBA Zero Coupon Bond, NSW Treasury Corp and the NAB floating rate note. The remainder of Council's portfolio continues to provide a high level of consistency in income and a high degree of credit quality and liquidity.

RECOMMENDATION

Council receive the Statement of Investments for July 2015.

ATTACHMENTS

- 1 Statement of Investments – July 2015
- 2 Investment Income Compared to Budget 2015-16

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Manager Finance
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

Council is required to invest its surplus funds in accordance with the Ministerial Investment Order and Division of Local Government guidelines. The Order reflects a conservative approach and restricts the investment types available to Council. In compliance with the Order and Division of Local Government guidelines, Council adopted an Investment Policy on 9 June 2015. The Investment Policy provides a framework for the credit quality, institutional diversification and maturity constraints that Council's portfolio can be exposed to. Council's investment portfolio was controlled by Council's Finance Division during the period to ensure compliance with the Investment Policy. Council's Governance Committee's role of overseer provides for the review of the Council's Investment Policy and Management Investment Strategy.

Council's Responsible Accounting Officer is required to sign the complying Statements of Investments contained within the report, certifying that all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005.

Council's investment holdings as at 31 July 2015 were \$140,218,560 (Statement of Investments attached) [25 July 2014 \$109,431,486].

During July, Council posted a weighted average return of 3.81% (annualised) compared to the benchmark return of 2.12% (annualised Bloomberg Bank Bill Index). The result was primarily due to solid returns received on term deposits and the positive marked to market valuation of the CBA Zero Coupon Bond, NSW Treasury Corp and the NAB floating rate note. The remainder of Council's portfolio continues to provide a high level of consistency in income and a high degree of credit quality and liquidity.

At 31 July 2015, year to date interest and investment revenue of \$497,985 was recognised compared to the year to date budget of \$304,686.

Council's CBA Zero Coupon Bond recorded an increase in value for July of \$30,000. The valuation methodology used by Laminar (Council's investment consultants), discounts the bond using a margin for a straight four year CBA obligation but also considers the illiquidity premium, this being a restructured deal and there being limited bids on the security. As this bond gradually nears maturity, movements in interest rates and liquidity will have less of an impact on the securities valuation. While there will be short term fluctuations along the way, the investments valuation will gradually increase to its \$4M maturity value. Council's two floating rate notes had an increase in value of \$24,460 for July.

Council holds two Mortgaged Backed Securities (MBS) that recorded an increase in value of \$6,495 for July. These investments continue to pay higher than normal variable rates. While the maturity dates are outside Council's control, the investment advisors had previously indicated that capital is not at risk at that stage and recommended a hold strategy due to the illiquid nature of the investment.

The NSW T-Corp Long-Term Growth Facility recorded an increase in value of \$58,593 in July. The fluctuation is a reflection of the current share market volatility both domestically and internationally.

During the August 2015 RBA meeting, the official cash rate remained unchanged at 2.00%. The RBA has advised that it would continue to assess the outlook and adjust policy as needed to foster sustainable growth in demand and inflation outcomes consistent with the inflation target over time. The current inflation rate is consistent with the 2 to 3% target.

This report complies with Council's Investment Policy which was endorsed by Council on 9 June 2015. Council's Responsible Accounting Officer has signed the complying Statements of Investments contained within the report, certifying that all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal '*We are a connected and engaged community*'. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-17	Annual Plan 2015-16
Strategy	5 Year Action	Annual Deliverables
4.4.5 Finances are managed effectively to ensure long term financial sustainability	4.4.5.1 Effective and transparent financial management systems are in place	Provide accurate and timely financial reports monthly, quarterly and via the annual financial statement
		Continuous Budget Management is in place, controlled and reported
		Manage and further develop compliance program
		Monitor and review achievement of Financial Strategy

ITEM 21

BI MONTHLY TABLING OF RETURNS OF DISCLOSURES OF INTEREST AND OTHER MATTERS

The Local Government Act 1993 requires the General Manager to table all Returns of Disclosures of Interest lodged by persons nominated as designated persons. Returns are submitted to Council on a bi-monthly basis.

RECOMMENDATION

Council note the tabling of the Returns of Disclosures of Interest as required by Section 450A of the Local Government Act 1993.

ATTACHMENT

Returns of Disclosures of Interests and Other Matters (to be tabled)

REPORT AUTHORISATIONS

Report of: Kylee Cowgill, Manager Governance and Information
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

PLANNING AND POLICY IMPACT

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

It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2015-16.

ITEM 22

MINUTES OF THE CITY OF WOLLONGONG TRAFFIC COMMITTEE
MEETING HELD 19 AUGUST 2015

A meeting of the City of Wollongong Traffic Committee was held on 19 August 2015.

Items 1 to 5 and 15 to 23 of the meeting have been adopted by Council through delegated authority.

Items 6 to 14 of the meeting must be determined by Council and are recommended to Council for approval for the temporary regulation of traffic on public roads for works or events by independent parties.

RECOMMENDATION

In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee Meeting held on 19 August 2015 in relations to Regulation of Traffic Be adopted.

ATTACHMENTS

- 1 Standard Conditions for Road Closures
- 2 Headland Parade, Austinmer
- 3 Harbour Street, Wollongong
- 4 Urunga Parade, Wollongong
- 5 Blender Festival, Wollongong
- 6 Run Wollongong Event, Wollongong
- 7 New Year's Eve, Wollongong
- 8 Australia Day, Wollongong
- 9 Latin American Festival, Warrawong

REPORT AUTHORISATIONS

Report of: Mike Dowd, Manager Infrastructure Strategy and Planning
Authorised by: Mike Hyde, Director Infrastructure and Works – Connectivity, Assets and Liveable City

BACKGROUND

REGULATION OF TRAFFIC

6 AUSTINMER Headlands Avenue – Headlands Hotel Construction

Background:

Council has recently approved the construction of a new complex in Headlands Avenue Austinmer on the site of the original Headlands Hotel.

Part of the consent involves construction of the road east of Yuruga Street.

However the developer has asked for Headlands Avenue to be closed for the duration of construction of the complex, to allow the land to be used as a construction depot.

Construction of the roadway is expected to take place towards the end of the construction period. A temporary closure of the section of Headlands Avenue which is currently unformed will allow Council to lease the land as requested. The proposed closure for the purposes of construction of the new development will be from the beginning of October 2015 to the end of April 2017.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed road closure be approved subject to the revised traffic management plan (Attachment 2), and Council's Standard Conditions for Road Closures (Attachment 1).

7 WOLLONGONG

Harbour Street – Sydney FC V Wellington Phoenix

Background:

WIN Sports & Entertainment Centre had Traffic Management Plans approved earlier this year for several major events. This is an additional event, which will be utilising the same Traffic Management Plan.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed road closure be approved subject to the submitted traffic management plan (Attachment 3), and Council's Standard Conditions for Road Closures (Attachment 1).

8 WOLLONGONG

Urunga Parade – Removal of Tower Crane

Background:

The contractors constructing the new private hospital on the site with frontages to both Crown Street and Urunga Parade have requested a full road closure of Urunga Parade between New Dapto Road and Dudley Street for the purpose of removing the Tower Crane. The traffic management plan is similar to that approved for the assembly of the Tower Crane and is proposed for the weekend of 19-20 September 2015.

The closure is proposed between 5am and 5pm on each day. As a contingency for poor weather, the contractor has requested approval for the weekend of 26-27 September and 3-4 October 2015, where just two days will be needed for the work.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed road closure be approved subject to the submitted traffic management plan (Attachment 4), installation of additional signage in the form of a Visual Message Screen (VMS) and Council's Standard Conditions for Road Closures (Attachment 1).

9 WOLLONGONG

Lower Crown Street – Blender Festival 2015 – 1st & 2nd October 2015

Background:

The Blender Festival is a new event to the Illawarra which is an immersive festival experience blending technology, arts and music. This event, which is in the second week of the NSW School Holidays, includes the Australian BoarderX Championships, on a purpose built 100m skateboarding course. Road closure will be of lower Crown Street between Corrimal Street and Kembla Street.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed road closure be approved subject to the submitted traffic management plan (Attachment 5), and Council's Standard Conditions for Road Closures (Attachment 1).

10 WOLLONGONG

Harbour Street, Marine Drive, Endeavour Drive, Cliff Road, George Hanley, Squires Way – Run Wollongong Event – 18 October 2015

Background:

Similar to the event held in 2013, this run will commence at WIN Stadium heading north to Towradgi Surf Leisure Resort, returning to WIN Stadium via the existing cycle way. Funds from this event will be utilised for the refurbishment of the Children's Ward at Wollongong Hospital.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed road closure be approved subject to the submitted traffic management plan (Attachment 6) and Council's Standard Conditions for Road Closures (Attachment 1).

11 WOLLONGONG

Cliff Road – New Year's Eve Celebrations – 31 December 2015

Background:

As in previous years Council is promoting New Year's Eve Celebrations in the vicinity of Wollongong Harbour which involve the closure of Cliff Road between George's Place and Marine Drive. The closure will take effect from 5pm to 10.15pm with access permitted for authorised vehicles.

The traffic management plan also includes a temporary bus stop on Springhill Road, Wollongong and this necessitates the closure of the median at the entrance to the parkland area on the eastern side.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed road closure be approved subject to the submitted traffic management plan (Attachment 7) and Council's Standard Conditions for Road Closures. (Attachment 1).

12 WOLLONGONG

Crown Street, Marine Drive, Endeavour Drive, Cliff Road, Campbell Street, George's Place and Bourke Street Australia Day Celebrations – 26 January 2016.

Background:

In 2016 Council will be holding Australia Day Celebrations for the full length of Cliff Road and Endeavour Drive as has occurred in previous years. The road closures will take effect from 5am to 10.15pm on the day. Buses will be permitted to access the bus terminus on Marine Drive and other authorised vehicles will be permitted to pass through the road closures.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed road closure be approved subject to the submitted traffic management plan (Attachment 8) and Council's Standard Conditions for Road Closures (Attachment 1).

13 WARRAWONG

Mowbray Lane – Latin American Festival – Saturday 26 September 2015

Background:

Council has received an application for the closure of Mowbray Lane Warrawong for the proposed Latin American Festival on Saturday 26 September 2015 from 7am to 5pm. This festival is similar to an event held in 2014.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed road closure be approved subject to the submitted traffic management plan (Attachment 9) along with additional signage in Montgomery Avenue and Cowper Street to indicate that the side road is closed, and Council's Standard Conditions for Road Closures (Attachment 1).

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal under the objective Community Goal 6 – We have sustainable, affordable and accessible transport.

It specifically delivery on core business activities as detailed in the Transport Services Plan 2015 – 16.



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 24 August 2015

Present

Lord Mayor (Acting) – Councillor Connor (in the Chair), Councillors Kershaw, Brown, Takacs, Martin, Merrin, Blicavs, Dorahy, Colacino, Crasnich, Curran (until 6.53 pm) and Petty

In Attendance

General Manager – D Farmer, Director Corporate and Community Services – Creative, Engaged and Innovative City – G Doyle, Director Infrastructure and Works – Connectivity, Assets and Liveable City – M Hyde, Director Planning and Environment – Future, City and Neighbourhoods – A Carfield, General Counsel – J Reilly, Manager Governance and Information – K Cowgill, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning – R Campbell, Manager Community Cultural and Economic Development – K Hunt, Manager Regulation and Enforcement – J Nicol and Manager Infrastructure Strategy and Planning – M Dowd

Leave of Absence

The Lord Mayor's leave of absence, granted by Council on 3 August 2015, was noted.

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DISCLOSURES OF INTERESTS

Councillor Colacino declared a non-significant, non-pecuniary interest in Item 10 as he is the Council-appointed Board Member on Destination Wollongong. He advised that he receives no personal gain from being on the Board, nor will he receive any personal benefit from any decision on Item 10. His interest does not conflict with his duty in matters involving Destination Wollongong and it also does not prevent him contributing to debate on the matter.

Councillor Martin declared a non-significant, non-pecuniary interest in Item 4, insofar as the draft Shone Avenue and West Dapto Road Horsley Neighbourhood Plan may, or may not, involve her employer, the Department of Planning and Environment.

Councillor Dorahy declared a non-significant, non-pecuniary conflict of interest in Item 5, Licence to WIN Sports and Entertainment Centre of the Stewart Street East Car Park, as he is a Director on Venues New South Wales.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 3 AUGUST 2015

110 **COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Brown seconded Councillor Dorahy that the Minutes of the Ordinary Meeting of Council held on Monday, 3 August 2015 (a copy having been circulated to Councillors) be taken as read and confirmed, subject to the following amendment –

Departure of Councillors on Page 2 of the Minutes – ‘During debate and prior to voting on the Amendment, Councillor Dorahy departed and returned to the meeting, the time being 7.13 pm to 7.14 pm’ be amended to read ‘During debate and prior to voting on the Amendment, Councillor Crasnich departed and returned to the meeting, the time being 7.13 pm to 7.14 pm’.

PUBLIC ACCESS FORUM – PUBLIC ACCESS FORUM POLICY

Ms S McKay expressed various concerns with the proposed changes to the Public Access Forum policy. Whilst the report stated that there are various opportunities where concerns can be raised, she felt that the Public Access Forum was the most beneficial. Concerns were also expressed in relation to the information in the report about the number and content of submissions.

Minute No.

Ms McKay felt that the existing Public Access Forum policy was already restrictive and that the proposed changes to the policy should not be endorsed.

111 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Dorahy that Ms McKay be thanked for her presentation and invited to table her notes.

CALL OF THE AGENDA

112 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Kershaw that the staff recommendations for Items 3, 5, 10, and 12 to 16 inclusive, be adopted as a block.

ITEM A – LORD MAYORAL MINUTE – STRENGTHENING LOCAL ECONOMIC CAPACITY THROUGH STRATEGIC PROCUREMENT

113 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Connor that –

- 1 Council write to relevant Federal and State Ministers, local Members of Parliament and relevant Trade Unions, seeking their support and advocacy to maximise Australian steel content in all State and Federal Government procurement contracts and tenders.
- 2 Council explore options to support the viability of BlueScope Steel Port Kembla, including prioritising the development of a strategic centre-led approach to procurement policies and procedures to further strengthen the local economic capacity. A meeting/briefing be held with Councillors and Senior Managers, within the next six weeks, to consider various options.
- 3 Council seek the support of all stakeholders to commit to working collaboratively to support the steelmaking industry and the steel value chain to achieve a positive outcome for our region.

Variation The variation moved by Councillor Dorahy to add the words to Part 2 'A meeting/briefing be held with Councillors and Senior Managers within the next six weeks, to consider various options' was accepted by Councillor Connor.

Minute No.

MATTER OF GREAT URGENCY – SKI GONG

Councillor Dorahy requested that the Acting Lord Mayor consider a motion, which he considered to be urgent, and related to the proposed recreational facility, Ski Gong.

The Acting Lord Mayor ruled that Councillor Dorahy's motion was not of great urgency.

Councillor Petty MOVED a MOTION OF DISSENT on the Acting Lord Mayor's ruling and on a show of hands, the ruling was upheld.

DEPARTURE OF COUNCILLOR

At this stage, the time being 6.53 pm, Councillor Curran departed the meeting.

ITEM 1 – GLENIFFER BRAE CALL FOR PROPOSALS SUBMISSIONS

114 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Brown that –

- 1 The outcomes of the Call for Proposals process be noted.
- 2 A review of the Botanic Garden Plan of Management and Gleniffer Brae Conservation Management Plan commence as a matter of priority.
- 3 Council receive an update report before the end of the 2015 calendar year.
- 4 The draft Plan of Management and Conservation Management Plan be reported to Council for endorsement prior to exhibition.
- 5 A draft Planning Proposal be prepared to add 'Function Centre' as a permissible use in the RE1 Public Recreation zone for the Gleniffer Brae site through a Schedule 1 amendment and referred to the NSW Department of Planning and Environment for Gateway determination prior. The exhibition of the draft Planning Proposal occur concurrently with the draft Botanic Garden Plan of Management.
- 6 Letters be sent to the Call for Proposals submitters advising them that a Tender process will be required and will be undertaken following the review of the Plan of Management and finalisation of the Planning Proposal.
- 7 In the interim period, the part of Gleniffer Brae not under lease by the Conservatorium of Music be authorised to be used for uses consistent with the current Plan of Management and planning controls.

Minute No.

Variations The following variations were accepted by the mover and seconder -

- *Councillor Kershaw - the addition of the words 'as a matter of priority' to Point 2; and,*
- *Councillor Crasnich - the addition of Point 3.*

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 2, Councillor Colacino departed and returned to the meeting, the time being from 6.57 pm to 7.01 pm.

ITEM 2 – KEIRAVILLE – GWYNNEVILLE IMPLEMENTATION PLAN AND PLANNING PROPOSAL REQUEST

115 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Blicavs seconded Councillor Takacs that –

- 1 The Keiraville – Gwynneville Implementation Plan be endorsed to guide implementation and future capital and operational expenditure (Attachment 1 of the report).
- 2 Neighbourhood Forum 5's withdrawal of the draft Planning Proposal request be noted.
- 3 Neighbourhood Forum 5 be thanked for the preparation of the draft Implementation Plan, draft Planning Proposal and ongoing input into the Keiraville – Gwynneville area.
- 4 The University of Wollongong's support for the preparation of the Access and Movement Study and University Master Plan be noted.
- 5 Council –
 - a Request an urgent meeting with Andrew Constance MP, Minister for Transport, and Duncan Gay MLC, Minister for Roads, Maritime and Freight, to discuss the priorities for Roads and Maritime Services' (RMS) funding in Wollongong, with particular reference to progressing the Access and Movement Study in Keiraville, Gwynneville and Mt Ousley.
 - b Work with the Ministers' office to review and progress RMS priorities for the Wollongong Local Government Area.
- 6 In relation to Point 2.3 of the Implementation Plan, a report (or reports) come to the Information Folder explaining how Councillors and the community can be included in the investigation of planning matters arising from the University Master Planning.

Minute No.

Variation The variation moved by Councillor Brown (the addition of Point 6) was accepted by the mover and seconder.

ITEM 3 – RSPCA DEED OF AGREEMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION –

- 1 Council note that the comparative cost offered by the RSPCA Deed of Agreement offers fair value in comparison to building and operating a new Council Animal Impounding Facility;
- 2 Council not invite tenders for the provision of Animal Impounding services within the Wollongong City Council Local Government Area in accordance with Section 55(3) for the reason that there is no competitive tenderer with the capability of providing the service to Council to the required standard, other than the RSPCA. A satisfactory result would not be achieved by inviting tenders;
- 3 The General Manager be granted authority to finalise and execute the Contract (RSPCA Deed of Agreement) and any other documentation required to give effect to this resolution;
- 4 Council grant authority for the use of the Common Seal of Council on the Contract and any other documentation, should it be required to give effect to this resolution; and,
- 5 A Contract Management Plan be developed to monitor the RSPCA's performance.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 4, the following Councillors departed and returned to the meeting –

- Councillor Blicavs from 7.16 pm to 7.19 pm;
- Councillor Crasnich from 7.24 pm to 7.28 pm; and,
- Councillor Merrin from 7.33 pm to 7.35 pm.

Minute No.

ITEM 4 – DRAFT SHONE AVENUE AND WEST DAPTO ROAD, HORSLEY NEIGHBOURHOOD PLAN – POST EXHIBITION

A PROCEDURAL MOTION was MOVED by Councillor Merrin that the matter be laid on the table. The PROCEDURAL MOTION on being PUT to the VOTE was LOST.

116 COUNCIL'S RESOLUTION – MOVED by Councillor Brown seconded Councillor Dorahy that the amended Neighbourhood Plan for land fronting Shone Avenue and West Dapto Road, Horsley, be adopted as an amendment to the Wollongong Development Control Plan 2009 Chapter D16 West Dapto Release Area, with consideration being given to providing a pedestrian access from the unnamed streets through to Lots 270 and 285.

Variation The variation moved by Councillor Takacs to add the words 'with consideration being given to providing a pedestrian access from the unnamed streets through to Lots 270 and 285' was accepted by the mover and seconder.

An AMENDMENT was MOVED by Councillor Colacino seconded Councillor Crasnich that the amended Neighbourhood Plan for land fronting Shone Avenue and West Dapto Road, Horsley, be adopted as an amendment to the Wollongong Development Control Plan 2009 Chapter D16 West Dapto Release Area.

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

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

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

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

ITEM 5 – STEWART STREET EAST CAR PARK – LICENCE TO WIN SPORTS AND ENTERTAINMENT CENTRE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION – A licence be issued to Illawarra Venues Authority for the WIN Sports and Entertainment Centre on the following basis:

- Term of five years;
- Rental Fee of \$4,500 with an increase by CPI on each anniversary; and,
- General Conditions as outlined under Proposal in the report.

ITEM 6 – POLICY REVIEW: PUBLIC ACCESS FORUM

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

- 1 Council note and thank residents for their submissions.
- 2 The Public Access Forum policy be adopted, as exhibited, subject to:
 - a The inclusion of a link to Council's Codes of Conduct within the Policy Statement.
 - b The addition of the following dot point before the last dot point on Page 3 – Public Address –
 - If a speaker wilfully ignores the direction from the Chairperson, the speaker shall not be entitled to speak at a Public Access Forum for a period of six months, or a further period as determined by the Chairperson in consultation with the Councillors.
 - c The second last dot point on Page 2 of the draft Policy 'any person or nominee of an organisation invited to speak by resolution of Council or by approval of the Lord Mayor' be amended to read 'any 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 rule'.

Minute No.

Variations The following variations were accepted by the mover and seconder -

- *Councillor Kershaw - the addition of Point 2 b;*
- *Councillor Takacs - the addition of Point c;*
- *Councillor Petty - the addition of the words to Point c 'subject to the 30 minute / six speaker rule'; and,*
- *Councillor Kershaw - change of wording to Councillor Takacs' Point c from 'or by approval of the General Manager', to 'and approved by the General Manager'.*

An AMENDMENT was MOVED by Councillor Takacs seconded Councillor Merrin that –

- 1 Council note and thank residents for their submissions.
- 2 The Public Access Forum policy be adopted, as exhibited, subject to:
 - a The inclusion of a link to Council's Codes of Conduct within the Policy Statement.
 - b The addition of the following dot point before the last dot point on Page 3 – Public Address –
 - If a speaker wilfully ignores the direction from the Chairperson, the speaker shall not be entitled to speak at a Public Access Forum for a period of six months, or a further period as determined by the Chairperson in consultation with the Councillors.
 - c The second last dot point on Page 2 of the draft Policy 'any person or nominee of an organisation invited to speak by resolution of Council or by approval of the Lord Mayor' be amended to read 'any 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 rule'.
 - d The following new dot point be listed under the third dot point on Page 3 of the draft Policy -

1n the event that an application has been rejected, if four or more Councillors request that the application be approved, then the application be approved.'

Minute No.

Councillor Takacs' AMENDMENT on being PUT to the VOTE was LOST. This Amendment was not supported by any Councillors.

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

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

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 7, Councillor Colacino departed and returned to the meeting, the time being from 8.31 pm to 8.33 pm.

ITEM 7 – POLICY REVIEW: CODE OF MEETING PRACTICE

MOVED by Councillor Merrin seconded Councillor Takacs that -

- 1 Council adopt the Code of Meeting Practice subject to:
 - a Clause 4.8 being re-ordered to read as follows:
 - 1 *If the Lord Mayor is the Chairperson at a Council meeting, the Chairperson, is by minute signed by the Chairperson, entitled to put to the meeting without notice¹ any matter or topic that is within the jurisdiction of Council or of which the Council has official knowledge. Reg 243*
 - 2 *Lord Mayoral Minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by the Councillors before coming to a decision. These types of matters are better placed on the Agenda with the usual period of notice given to the Councillors. OLG Prac Note 16/2009 – Pg 14*
 - 3 *Such a minute, when put to the meeting, takes precedence over all business on the Council agenda/business paper for the meeting. The Chairperson (but only if the Chairperson is the Lord Mayor) may move adoption of the minute without the motion being seconded.*
 - 4 *A recommendation made in a minute of the Chairperson (being the Lord Mayor) or in a report by a Council employee is, so far as adopted by Council, a resolution of Council. Reg 243*

Minute No.

- 5 *A Late Business Lord Mayoral Minute prepared prior to the Council meeting will be added to the business paper agenda in accordance with the Order of Business as stated in Clause 4.5 of this Code.*
- b The addition of the following explanatory footnote:
“¹without notice” meaning the matter is not included on the Agenda.
- 2 A report come back to Council on the possibility of Questions on Notice being listed on the Order of Business and the report outline how they can be managed.

118 COUNCIL'S RESOLUTION - An AMENDMENT was MOVED by Councillor Brown seconded Councillor Martin that Council adopt the Code of Meeting Practice subject to:

- a Clause 4.8 being re-ordered to read as follows:
 - 1 *If the Lord Mayor is the Chairperson at a Council meeting, the Chairperson, is by minute signed by the Chairperson, entitled to put to the meeting without notice¹ any matter or topic that is within the jurisdiction of Council or of which the Council has official knowledge. Reg 243*
 - 2 *Lord Mayoral Minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by the Councillors before coming to a decision. These types of matters are better placed on the Agenda with the usual period of notice given to the Councillors. OLG Prac Note 16/2009 – Pg 14*
 - 3 *Such a minute, when put to the meeting, takes precedence over all business on the Council agenda/business paper for the meeting. The Chairperson (but only if the Chairperson is the Lord Mayor) may move adoption of the minute without the motion being seconded.*
 - 4 *A recommendation made in a minute of the Chairperson (being the Lord Mayor) or in a report by a Council employee is, so far as adopted by Council, a resolution of Council. Reg 243*
 - 5 *A Late Business Lord Mayoral Minute prepared prior to the Council meeting will be added to the business paper agenda in accordance with the Order of Business as stated in Clause 4.5 of this Code.*

Minute No.

b The addition of the following explanatory footnote:

“without notice” meaning the matter is not included on the Agenda.

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

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

Against Councillor Merrin

Councillor Brown’s AMENDMENT then BECAME the MOTION.

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

ITEM 8 – COUNCIL AND COMMUNITY DIALOGUE FORUMS

119 **COUNCIL’S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Blicavs seconded Councillor Dorahy that –

- 1 Council note the report.
- 2 The ‘Council and Community Dialogue Forums’ be reviewed and Councillors be given the opportunity via a Councillor Workshop to provide feedback, and to determine a more effective approach in communicating directly with residents in their Ward.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 9, Councillor Crasnich departed and returned to the meeting, the time being from 9.32 pm to 9.33 pm.

ITEM 9 – ECONOMIC DEVELOPMENT TRADE MISSION

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Colacino that Councillor Dorahy be granted an additional one minute to address the meeting.

MOVED by Councillor Takacs seconded Councillor Crasnich that Council support a trade mission to China in October / November 2015, led by the Lord Mayor and one Council Officer, to promote opportunities for new and existing business investment in Wollongong and to support Wollongong based businesses with investment in China.

Minute No.

120 COUNCIL'S RESOLUTION - An AMENDMENT was MOVED by Councillor Connor seconded Councillor Blicavs that Council support a trade mission to China in October / November 2015, led by the Lord Mayor, to promote opportunities for new and existing business investment in Wollongong and to support Wollongong based businesses with investment in China.

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

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

Councillor Connor's AMENDMENT then BECAME the MOTION.

The MOTION on being PUT to the VOTE was CARRIED.

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

ITEM 10 – DESTINATION WOLLONGONG – APPOINTMENT OF THREE COUNCIL APPOINTED INDEPENDENT DIRECTORS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION –

1 Council endorse the appointment of:

- Mr Wayne Morris
- Ms Anita Mulrooney
- Ms Amy Harper

as the Council Appointed Independent Directors on the Destination Wollongong Board for a period of four years.

2 The three additional candidates who were considered suitable for the position be retained on an eligibility list, should a vacancy become available within the next two years.

Minute No.

ITEM 11 – DRAFT MEDIA POLICY

A PROCEDURAL MOTION was MOVED by Councillor Petty that the matter lay on the table. The PROCEDURAL MOTION on being PUT to the VOTE was LOST.

121 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor Brown seconded Councillor Crasnich that the Media Policy be adopted.

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

ITEM 12 – LEASE TO GIRL GUIDES ASSOCIATION OF NSW OF THE GUIDE HALL AT LOT 1 DP860110 TALLEGALLA STREET, UNANDERRA

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION – Council –

- 1 Agree to enter into a new lease over Lot 1 DP860110 Tallegalla Street, Unanderra, with the Girl Guides Association of NSW for a term of 10 years at a commencing rent of \$620.00 per annum, including GST.
- 2 Delegate to the General Manager the authority to finalise and execute the Lease and any other documentation required to give effect to this resolution.
- 3 Grant authority for the use of the Common Seal of Council on the Lease and any other documentation, should it be required to give effect to this resolution.

ITEM 13 – TENDER T15/22 – PROVISION OF THOMAS DALTON PARK SPORTS FIELD LIGHTING TO COUNCIL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Musco Lighting Australia Pty Ltd for provision of Thomas Dalton Park Sports Field Lighting to Council, in the sum of \$307,000.00, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required to give effect to this resolution.

ITEM 14 – INTEREST PAYABLE – DEFAULT BY LESSEES AND LICENSEES – 2015/16 FEES AND CHARGES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION – Council adopt the Interest Payable – Default by Lessees and Licensees for the 2015/2016 Fees and Charges.

ITEM 15 – DRAFT QUARTERLY REVIEW STATEMENT – JUNE 2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION –

- 1 The draft Quarterly Review Statement June 2015 be adopted.
- 2 The Quarterly Review Budget Report and Preliminary End of Year – Report of Manager Finance 2014-15 be adopted.

Minute No.

ITEM 16 – CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES – 22 JULY 2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 112).

COUNCIL'S RESOLUTION – In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee Meeting held on 22 July 2015 in relation to Regulation of Traffic be adopted.

THE MEETING CONCLUDED AT 9.50 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 14 September 2015.

Chairperson

Evidence that Hewitts Creek Railway Bridge did not block in 1998

1. Official Data

The Hewitts Ck railway bridge was reported 20% blocked in the 1998 flood according to WCC's official blockage database. This would imply a depth of debris 1.3 m high in the base of the bridge waterway.

The photographs and interview records that support the reported 20% blockage cannot be found.

This absence of any evidence to support the official database entry was confirmed by Council's solicitor in a court case early last year. In response to a request to the court to 'view the supporting documentation (photos, interviews, etc) for all culverts in Council's blockage database', Council's solicitor advised 'I'm instructed no documents answer the description'.

The expert representing Wollongong Council in the same court case said:

'The values in the Blockage Data Sheet provided to me by Council were determined by Senior Council personnel based on data collected by Consultants working in each catchment at that time. Council were unable to locate the original data that was used to derive the blockage values in the Blockage Data Sheet. In my opinion the best information available at this time on the blockage of the Hewitts Ck railway bridge in 1998 is WCC's Blockage Data Sheet. This was prepared immediately after the flood based on all the information available.'

Since the court case, more new evidence has come to light.

The full suite of evidence that has surfaced since the complication of Council's Blockage Database is presented in §2 below.

2. New Evidence Since Compilation of WCC Blockage Database

2.1. Trevor Hepper Photo

Source: email submitted to Council 11 January 2014.

Former member of the Hewitts Creek Floodplain Management Committee and resident of Hewitts Ave at the time of the 1998 flood, Mr Trevor Hepper, has produced a photograph taken a few days after the flood (see below). In the covering email to Council Mr Hepper advised, 'This photo is one of a series taken a few days after the storm event showing no blockage. This is before any machines had moved in for clean-up of this area.'

Mr Hepper also said in his written statement 'I walked through the culvert and it had a drift of sediment of approx. depth of 500mm on the southern side. The northern side had almost none. The bottom was clear to the concrete road surface'.

Council's expert, Dr Webb, advised, 'The (Hepper) photograph recently produced provides a "snapshot" sometime after the event and is, in my opinion, less reliable than WCC's Blockage Data Sheet'.

This view now however has to be reconsidered in the light of the further new evidence that has come to light.



Mr Hepper's post-1998 flood photo. The chain wire fence downstream exhibits flood debris marks and shows no damage from possible debris impacts. The mound of gravel/sediment in the foreground just upstream of the right abutment was described as being 'between two channels of water' by another eye-witness who visited the site the day after the flood. This would have resulted from the right-bank flood plain flow re-joining the main flow, causing eddying and hence a depositional environment.

2.2. Eye-Witness Account from Ms Barb Hunt

Source: interview during Paul Nichols site visit in April 2013

Ms Barb Hunt, owner of the 'Hunt' house at No 419 Lawrence Hargrave Drive (which had been continuously occupied by 3 generations) advised that they have experienced over-floor flooding only once since 1928 when the house was constructed by Ms Hunt's grandfather, Harry Hunt.

Barb Hunt's inspected the Hewitts Creek railway bridge after the flood and recalls sediment at the bridge was only 'calf deep'.

Although Ms Hunt did not attend court or prepare an affidavit, it is still valid to reconsider her eye-witness accounts in the light of the other new evidence that has surfaced.

2.3. Simon Ackerman affidavit

Source: Affidavit dated 11 March 2014, filed with the Land & Environment Court

Simon Ackerman walked through the Hewitts Ck railway bridge the day after the flood peak. Mr Ackerman said '*The water was up to my calves and that the Hepper photo is an accurate representation of the extent of debris and soil around the bridge. The earth that can be seen near the southern wall of the bridge is between two channels of water*'.

It is understood that Council believes the witness may be unreliable as he admitted to drinking alcohol that day.

In court however Mr Ackerman was clear that he had walked through the bridge before he had met his friend for a drink. He also said in court that he jumped across the stream of water to get to the pile of sediment observable in the Hepper photo, which is a site specific detail that would not have been obvious to someone making up a story.

Again, it is valid to reconsider Mr Ackerman's eye-witness accounts in the light of the other new evidence that has surfaced.

2.4. Minutes of meeting WCC/Fluor/Rail Infrastructure Corp

Source: Minutes of meeting prepared by Council, obtained via GIPA Request # 447589

In the minutes of meeting between WCC, RIC and Fluor on 20 August 2003, Pas Silveri is minuted as saying (p.3) *“Although the culverts in Hewitts Creek did not block in 1998 this does not mean they will not block in a future storm.”*

The context of the meeting was that the railway authority did not agree with Council's Blockage Policy and had stated it was too conservative. The rail authority would have been well aware which of their culverts and bridges would have blocked, so it is highly relevant that the meeting minutes documented that the Hewitts Ck Rail Bridge did not block in 1998.

2.5. Hatch Aerial Photography taken on 19 August 1998

Source: as provided to Cr Petty on 11 March in response to Councillor Request

Hatch aerial photograph taken on 19 August, two days after the flood event shows yellowy brown floodwaters in Hewitts creek.



The muddy recession flow scenario show no widening of the watercourses immediately upstream of the Hewitts Creek Railway Bridge, as would be expected if there had been a pile of residual 'bottom-up' debris blockage 1.3 m high as suggested in Council's 'official' database.

2.6. Michael Coombs Report on his 18 August 1998 Site Inspection

Source: email from Mr Ted Rigby dated 15 March 2015

Mr Rigby advised that in searching through some old blockage files he came across a post-flood inspection report by Michael Coombs.

Michael Coombs's report, based on an inspection on the morning after the flood, indicates that he had taken a series of photos during his inspection and suggests that the railway bridge (which he photographed) was clear even though the photographs are unfortunately missing.

The report states '*Railway Under Pass: The access road is located next to the creek. The underpass is flowing full width with water (Photo No 8) and looking back the access road is covered in mud*'.

If Michael had gone there the morning after the flood, this would have been about 15 hrs after the flood peak, and the flow through the culvert would only have amounted to about 3 m³/sec (based on the hydrograph at Appendix 2.7 of the 2002 Study). The calculated depth of water through the culvert for a flow of 3 m³/sec would have less than 500 mm.

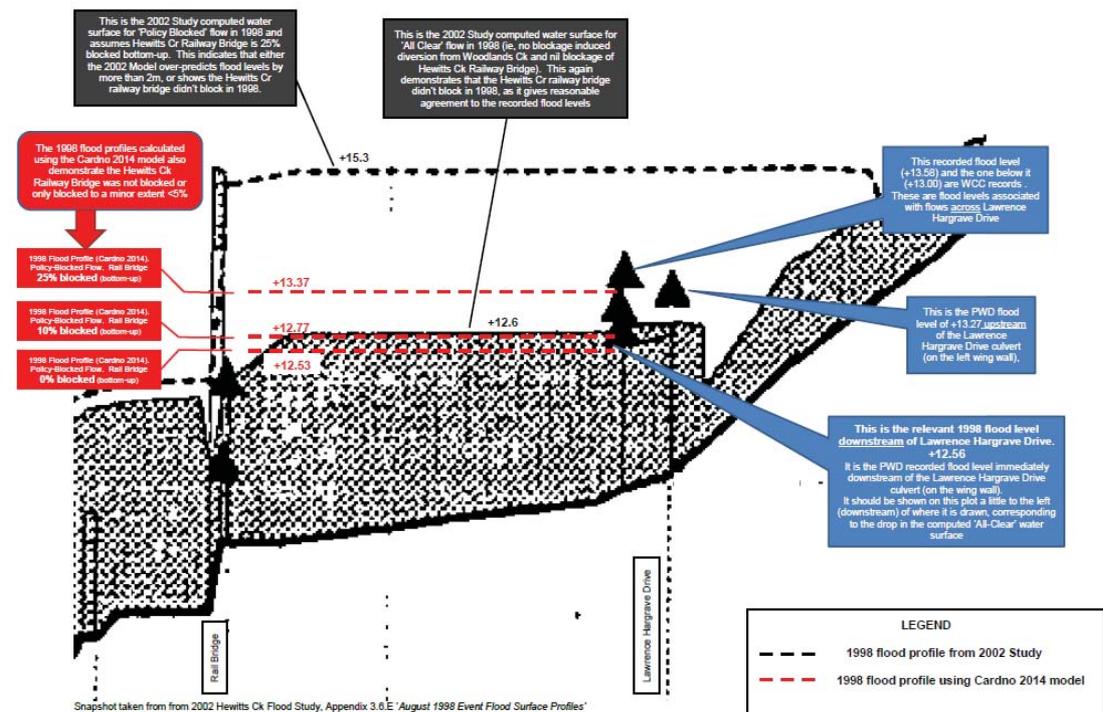
Had the culvert been 20% blocked, there would have been a wall of debris 1.3 m high in the bottom of the culvert which would have been obvious to a trained observer, and would have been commented on.

The comment that the bridge waterway was '*flowing full width with water*' therefore suggests no blockage.

2.7. Graphic showing how Calibration Runs in 2002 don't support Blockage

Source: Prepared for the March 2014 court case, but Council refused admission as evidence

The graphic below of the calibrated flood profiles for the 1998 shows zero blockage of the Hewitts Creek railway bridge, otherwise the recorded flood levels would have been higher.



2.8. BMT WBM Oct 2014 Flood Study also doesn't support Blockage

Source: BMT WBM Oct 2014 Draft Final Study (Table 7.7), prepared under WCC's direction

The BMT WBM report indicates they concluded the same thing as in §2.7 above, but using more sophisticated TUFLOW modelling, and calibrating the model against multiple recorded flood levels.

BMT WBM concluded that the Hewitts Creek railway bridge must have had nil blockage in 1998.

3. Conclusion

It is important to appreciate that Council's 'official' blockage data is primarily based on visual estimate of blockage. Visual estimates are unreliable, and often over-estimate the true degree of blockage.

Proper engineering practice requires the estimated degree of blockage to be verified by modelling, based on recorded flood levels.

As Dr Bill Weeks (Director of ARR Research Project #11 Blockage of Hydraulic Structures) says:

'Real data should show how the flood level was affected by the blockage and not just observations of debris remaining after the flood has receded. The data should be able to show what flood levels were with the blockage and with the culvert totally clear. The difference is the impact of blockage. The observations may appear convincing, but the real impact is how was the culvert affected at the peak of the flood and how did this affect peak flood levels. Having a "conservative" estimate of blockage can lead to possibly severe distortions in the calculated design flood levels.'

Based on the additional evidence presented above, which includes verification against recorded flood levels, it is concluded that the Hewitts Ck Railway Bridge was not blocked in the 1998.

This is not surprising given:

- The availability of blockage material is limited since the debris source areas in this case are only the sub-catchments up to the next major structures which act as effective debris traps for the trapping of boulders and cobbles (also aided by a weir 200 m upstream).
- The limited opportunities for debris to be mobilised and transported downstream within these limited source areas, noting the horse paddocks upstream of the railway bridge (which in flood are a slow moving pool of water some 2 to 3 m deep) act as a de-facto debris settlement basin.
- The type of debris deposited in the reach of creek and its floodplain upstream of the railway, which comprised silt, fine sediment and floating debris (based on photographs taken in the aftermath of the 1998 flood). Silt and fine sediment are only deposited in areas of low velocity and thus would be washed through the bridge.
- The attributes of the Hewitts Railway bridge itself, which result in a low likelihood of material being captured, including
 - The high bridge deck which reduces the likelihood of blockage.
 - The paved road forming its approach and a concrete ramp in the transition and base of the structure, which eliminate the propensity for bed scour.
 - The wing-walls and high velocities through the bridge, which serve to readily pass debris through the bridge waterway.



**FAIRY CREEK CHANNEL UPGRADES
RAILWAY CULVERTS TO BODES BRIDGE (PRINCESS HIGHWAY)**

**Minutes of meeting
11.00am Monday, 20 August, 2003**

Present: **Dennis Lambros Rail Infrastructure Corporation**
John Gullick Fluor
Simon Ralton Fluor
Pas Silveri Wollongong City Council
Lance Hazell Wollongong City Council
**Raj Upreti Department of Infrastructure,
Planning and Natural Resources**

1 Introductions

Wollongong City Council opened the meeting with a brief history of the Fairy Creek Floodplain Management Study.

Pas Silveri explained that Council had been trying to meet with the appropriate Railway representatives for some time regarding the upgrade of the railway culvert. The 1990 Fairy Creek Floodplain Management Study (FMS) identified a number of flood mitigation measures. Since the completion of the FMS a number of these flood mitigation measures have been implemented, including the construction of detention basins, channel widening and the upgrade of culverts. The full benefit of the flood mitigation works undertaken upstream of Crawford Avenue can not be realised without the upgrade of the railway culvert.

Wollongong City Council is currently working on the detailed design drawings for the channel upgrades and anticipates submitting a Development Application (DA) the first week of September 2003. Wollongong City Council would like to know where RIC stands on the issue of upgrading the Railway culvert.

2 Discussion

Dennis Lambros indicated that he was aware that RIC had undertaken some upgrade works in 1984 and received a copy of the 1990 Fairy Creek Flood Study. RIC are not aware of any flooding

concerns with the existing railway infrastructure. If Wollongong City Council has permitted development that is now impacted by flood caused by the railway line then Council should fund the upgrade of the railway culvert.

Pas indicated that Wollongong City Council has not permitted any significant development in the area of concern for many years. The need to upgrade the Railway culvert was identified in the 1990 Fairy Creek Flood Study. What assessment criteria was used to determine that Rail Infrastructure Corporation has no concerns regarding its existing Infrastructure in this area?

John Gullick indicated that RIC's assessment was based on historical information. John indicated that during a flood the railway would stop trains. RIC is prepared to accept some level of risk, or a lower design standard (1% or 2% AEP) as opposed to the Probable Maximum Flood.

The John indicated that RIC seeks to maintain the status Quo. The railway line has been in its current location for over 100 years. The development that has occurred since that time should have considered the impact of the existing railway embankment. The upgrade of railway culverts is being proposed to address community concerns and should therefore be funded by the community.

RIC acknowledges the verbal commitment to the upgrade of the Railway culvert provided by Rail Access Corporation during the development phase of the project. Dennis Lambros indicated that he would contact Mark Bell and obtain some additional information regarding this commitment.

Dennis Lambros indicated that there has recently been a number of philosophical changes within NSW State Rail. RIC's current position, due primarily to funding constraints, is that the upgrade of culverts and bridges need to be funded by the community.

John Gullick outlined the procedure involved upgrading the existing culvert. The John indicated it would take approximately six to nine months to upgrade the existing culvert from provision of funding. John indicated that he was aware that Wollongong City Council would prefer to see the culvert upgraded to a bridge to address the culvert blockage policy. It is anticipated that the cost of upgrading the existing culverts to a clear span bridge would be significantly more than the addition of more culverts. Wollongong City Council acknowledged that although the installation of additional culverts would not reduce the flood planning level, due to the blockage policy, there would be some reduction in flood risk.

After some discussion, it was agreed that it was important to determine the cost associated with the culvert upgrade alternatives.

Wollongong City Council will provide detailed design criteria to enable RIC to prepare an estimate for the two alternatives.

RIC indicated that they were not aware of any reasons, apart from funding constraints, why the railway culverts on Fairy Creek could not be upgraded.

The railway issues arising from the Hewitts Creek Flood plain management study were also discussed. RIC indicated that the overtopping concerns raised in the study were a result of applying the blockage policy. The overtopping of the railway embankment did not occur in 1998. John indicated that RIC considers the blockage policy conservative. Pas indicated that based on the results of the 1998 storm council does not consider the blockage policy conservative. Although the culverts in Hewitts Creek did not block in 1998 this does not mean that they will not block in a future storm.

Wollongong City Council raised concern of the impact on downstream development should overtopping or failure of the embankment occur. RIC indicated that they did not have any significant concerns about the impact of overtopping of the railway embankment.

3 Conclusions

Railway Infrastructure Corporation and Wollongong city council both acknowledged the need to upgrade the railway culvert on Fairy Creek.

Dennis Lambros will contact Mark Bell and obtain some additional information regarding their previous commitment to funding the upgrade of the culvert.

RIC indicated that they believe that the funding to undertake these type of upgrades should come from the community.

RIC indicated that it would be difficult with their current financial constraints to fund the upgrade of the culvert.

Wollongong City Council will provide detailed design criteria to enable RIC to prepare an estimate for the two upgrade alternatives

FLUOR

Fluor Australia Pty Ltd
ABN 28 004 511 942
Level 5, Cnr Bridge St & Old Springhill Road
Coniston, NSW 2500, Australia
PO Box 66, Coniston, NSW 2500

61-2 4228 9305 tel
61-2 4228 9318 fax

21 July 2003

Reference: 280(19140)

Senior Design Engineer – Floodplain Management
Wollongong City Council
Locked Bag 8821
South Coast Mail Centre NSW 2521

Attention: Pas Silveri

Dear Pas

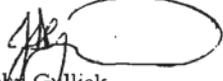
RE: HEWITTS CREEK FLOOD AND FLOODPLAIN MANAGEMENT SYSTEM

Thankyou for your letter of 7 June 2002, my apologies for the tardy response. In response to the content of your letter, I offer the following:

- While Fluor and RIC have not yet finalised its own blockage policies, we are concerned that Council's blockage policy is overly conservative and does not reflect past history – particularly in this study area.
- The investigation options briefly described for Tramway, Woodland, Hewitt and Thomas Gibson Creeks all seem to be well considered and Fluor and RIC would be likely to support these in principle on a technical level.
- Fluor and RIC do have commercial concerns regarding any flood mitigation work that may be required on rail property. RIC maintain that flooding concerns in this area have been greatly exacerbated by development activities within the catchments. On this basis, funding for any flood investigation would need to come from a source that is external to RIC.
- Fluor have represented RIC on many of the local floodplain management committees. It is not known why we have not received or acted on any invitation to this committee. Fluor are happy to attend any future meetings and then hand on this role once RIC take back responsibility for rail maintenance on the South Coast on 1 December 2003.
- If Council or the Floodplain Management Committee has published any additional information, Fluor and RIC would be pleased to review and provide further comment.

If you would like to discuss the contents further, please contact myself or Simon Ralton on 4228 9305.

Yours faithfully
FLUOR AUSTRALIA PTY LTD


John Gullick
PROJECT MANAGER

cc. SR



Administration Building, 41 Burrell Street, Wollongong
Locked Bag 8821, South Coast Mail Centre NSW 2521
DX 27811, Wollongong Court TTY (02) 42276389
Telephone: (02) 4227 7111
Fax No: (02) 4227 7277
Australian Business N° (ABN): 63 139 525 939
GST Registered

FACSIMILE MESSAGE

Classification
Routine
Urgent
Confidential
Original To Be Posted

TO

Attention: Simon Dalton

Organisation: Fluor Australia

FROM

Fax No: Area Code: No: 4228 9318

Name: Michael Nelson

Division: Design

Date: 19/9/02

Telephone No: 42277485

Pages Including Header: 5

Subject: Hewitts Creek Flood Study and Floodplain Risk Management Study

Message: Simon,

Copy of the letter follows. Look forward to hearing from.

Cheers,

Michael Nelson

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PROBLEMS PLEASE TELEPHONE

FIC

7 June 2002

Mr John Gullick
Engineering Manager
Fluor Daniel Pty Ltd
P O Box 66
CONISTON NSW 2500

Dear Sir

**HEWITTS CREEK FLOOD AND FLOODPLAIN MANAGEMENT
STUDY - STUDY FINDINGS ON RAILWAY EMBANKMENT IMPACTS**
Our Ref: D.MN:MPB File No: SUI18264

As you might be aware, Wollongong City Council is carrying out a Flood Study and Floodplain Management Study for the Hewitts Creek Catchment (ie the Bulli/Thiroul area). The study sets out to identify all significant flooding issues (that threaten life, limb and property) within the study area and defines recommended schemes to mitigate or minimise flood impacts on the local community.

There have been a number of findings from the study of which directly involve or affect South Coast Railway assets and as such we are seeking initial comments from Fluor Australia on the findings and the recommended mitigation measures detailed below.

The Hewitts Creek study area includes, in order from south to north, Slacky Creek, Tramway Creek, Woodlands Creek, Hewitt's Creek and Thomas Gibson Creek.

One of the factors considered in the study is the impact of blockages during a storm event through the incorporation of Council's Blockage Policy, which was developed following study of the August 1998 and October 1999 storm events. In summary the Policy requires for culverts with a diameter of 6m or less to be considered fully blocked during a storm event, and for culverts greater in size than this to be considered 25% blocked.

Railway doesn't
accept.

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The south coast railway line traverses all the creeks within the study area and has been identified as a location of significant flood problems, or has considerable impact on flood behaviour, during large storm events. In summary these include;

1. Significant ponding of water behind the Slacky Creek culvert in the clear and blocked scenarios, which leads to diversion of flows through the walkway tunnel (just north of the Slacky Creek culvert) which then flow down, and causing inundation of residential homes off, Beacon Avenue
2. Significant ponding of water behind the Tramway Creek culvert in the clear and blocked scenarios which leads to overtopping of the railway embankment in a blocked case in the full range of considered storm events plus significant inundation of residential homes adjacent to Allenby Parade.
3. Significant ponding of water behind the Woodlands Creek culvert in the clear and blocked scenarios plus diversion of flow to the north alongside the railway embankment leading to significant inundation of residential homes adjacent Hewitts Avenue and backing up of water inundating the Princes Highway. Also, in the blocked scenario, overtopping of the railway embankment occurs in the full range of considered storm events
4. Significant ponding of water behind the Hewitts Creek bridge in the clear and blocked scenarios inundating Lawrence Hargrave Drive plus inundation of residential homes off Hewitts Ave, Lawrence Hargrave Drive and yards off properties fronting Wrexham Road. Also, in the blocked scenario, overtopping of the railway bridge and embankment occurs in the full range of considered storm events
5. Significant ponding of water behind the Thomas Gibson Creek South Arm (opposite Wrexham Road) culvert in the clear and blocked scenarios leading to inundation of residential homes off Lawrence Hargrave Drive. Also, in the blocked scenario, overtopping of the railway embankment occurs in the full range of considered storm events
6. Significant ponding of water behind the Thomas Gibson Creek Middle Arm culvert resulting in inundation of commercial properties including the Thirroul RSL and overtopping of the railway line in events from a 1 in 20 yr ARI (5% AEP) storm event and greater.
7. Overtopping of the railway line at the Thomas Gibson Creek Northern Arm culvert inundating the commercial car park accessed off King Street.

The studies are in the process of being developed and documented although draft recommendations have been formed for the Slacky, Tramway, Woodlands and Hewitts systems and review of the Thomas Gibson system is also well advanced. Council is aiming for the studies to be completed for publicly display sometime in Spring this year.

A number of mitigation options have been recommended that directly involve railway assets. These include;

- Tramway and Woodland Creeks - install a high flow culvert or bridge with diagonal greater than 6m diagonal, -
- Hewitts Creek - rehabilitate the channel between the railway line and Lawrence Hargrave Drive by removing the existing access road to the BHP refractory site and restoring original waterway. This will include some excavation of the channel invert under the Railway Bridge.

No objection
= principle
- costs by others.

Options for Thomas Gibson Creek are being explored, of those which may affect railway assets include;

- Enhancing the inlet to the existing pipe system for the Middle Arm or installing a low profile culvert under the railway line which would act when the capacity of the inlet to the pipe system becomes exceeded
- Enhancing the inlet to the existing pipe system for the Northern Arm or debris control structure to keep the pipe system inlet clear during a storm event.

as above.

Note, a broad range of options have been explored for all the systems. Options not detailed above, which would have affected railway assets, have been abandoned in favour of more effective or feasible options elsewhere in the catchment area. We also note that these options are conceptual only and no detailed design has been done.

Once implemented, all these options (throughout the whole catchment) will minimise impact of flooding throughout the catchment - including effects on the South Coast Railway, which will enhance the serviceability of the line during and after a storm event plus minimise flooding of residential homes adjacent to the railway line. The draft studies which detail all the study area flood issues and mitigation options are available for your review at Council.

Central to this study process was the formation of a Floodplain Management Committee, which includes stakeholders such as community representatives, statutory authorities (such as Wollongong City Council, the Roads and Traffic Authority, Department of Land and Water Conservation) plus interested parties (such as BHP Billiton, Stocklands etc). As a significant stakeholder, you are invited to join the Committee to represent the relevant Railway Authorities.

The existing committee has expressed concerns of the findings, particularly the impact of the railway embankment on existing and future development and the potential impact to the embankment if overtopped during an event. As such the committee will be anxious to review any comments you have on the study findings to date. We would also be pleased to discuss the study and findings with you prior to progressing the studies through to public exhibition.

No comment
embankment
concerns.
-but not
studied in
detail.

For more information or to arrange a time to review or discuss the study please call myself or Michael Nelson

Yours faithfully

Senior Design Engineer - Floodplain Management
Wollangong City Council

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Flooding in Figtree:

American Creek at the M1 Princes Motorway Culverts

A Submission to Wollongong City Council

December 2014

Prepared by: John G Mathieson

Executive Summary

This submission reviews the history of flooding and flood modelling for the residential areas immediately upstream of the eight culverts that conduct American Creek under the M1 Princes Motorway in Figtree.

American Creek is the principal contributor in the Allans Creek floodplain and the M1 culverts may become the critical flow control for Allans Creek during flooding events. Well over 300 residential properties depend on these culverts having adequate capacity. If they have insufficient capacity or become blocked with debris, the M1 embankment may act like a dam wall holding back all flood waters until it is overtopped at a low area ("sag point") to the south-east of the Collegians Sports Centre.

The Northview Estate is the main residential area close to the M1 culverts and has **never flooded**. It was approved by Council as a flood-free development and was contoured to be above the 1 in 100 year flood as determined by the flood modelling study conducted in 1991. However, more recent studies completed in 2006 and 2008 have raised the 1 in 100 year flood by more than 2 metres, leading to much of the estate being classified as having high flooding risk.

The main reason for the change to the predicted level of the 1 in 100 year flood relates to an assumption imposed on the 1 in 20 and 1 in 50 as well as the 1 in 100 year flooding scenario. Council's Conduit Blockage Policy of 2002 mandates that the culverts under the M1 Motorway will be fully blocked (by debris) under these conditions. This level of blockage has not been observed during past events and was estimated to be 70% after both the 1998 and 1999 flooding events.

Since 2011-2012 insurance companies have used the flooding maps to make address-level risk assessments and home-and-contents premiums have soared from under \$2,000 to between \$7,000 and \$20,000 a year, if flooding is covered. Affected property values have dropped by up to 10% and property development has become restricted and difficult.

The purpose of the three reviews reported in this submission has been to identify the most expedient and cost-effective means to reduce flood rating and flooding risk in our area.

The first review used probability theory and other constraints to classify the seven flooding events reported since the construction of the M1 Princes Motorway, and then compared the actual flood heights with those modelled in the 2008 flooding study. It was found that the actual flood heights were always significantly less than those modelled; in fact by between 0.7 and 2.1 metres. The differences were greatest for the more severe flooding events (1 in 20 years and higher), when the modelled events were amplified by the application of Council's 100% blockage policy. Another key finding was that past floods have almost certainly included 1 in 20 year or more severe events, which have been modelled to flood much of the Northview Estate. Since flooding has not occurred, the modelling at our location appears to be flawed.

The second review examined scientific aspects of the modelling conducted in the 2006 and 2008 flooding studies. A key finding was that calibration of the model at the American Creek culverts under the M1 was not accurate and overestimated flood heights by 1.0 metre on average, independent of culvert blockage. This overestimation would almost certainly flow on

to invalidly increase predicted flood levels by a similar amount. Another important finding was that the flooding studies lack discussion of the accuracy or uncertainty of the modelled flood heights, whereas the insurance companies and banks appear to accept them at face value.

The third review examined details of the data used to develop Council's conduit blockage policy of 2002 and found that the policy was conservative and described a worst case scenario. As such, the policy may have been satisfactory as a short-term or interim measure, but now urgently requires updating to ensure that it describes typical or average blockage levels and does not amplify predicted flood levels to higher risk categories. This is required to achieve what is known as ARI or AEP neutrality. Suitable guidelines have been developed through recent research and are to be published by Engineers Australia in its reference publication "Australian Rainfall & Runoff".

The conclusions reported in this submission clearly support refinement and updating of the flood modelling for our location, as well as the conduit blockage policy. However, the main concern for residents is to **identify and carry out actions** that will reduce flooding risk and flood rating **as soon as possible**. In this regard, five cost-effective solutions have been proposed, as follows:

- Refinement of Council's **conduit blockage policy** to ensure ARI/AEP neutrality
- Construction of a **debris control structure** upstream of the culverts
- **Minor earthworks** to conduct more of American Creek's floodwaters over the "sag point" in the M1 Motorway
- Construction of a **110 metre levee** to protect nearby properties that flooded in during the two most severe events
- Construction of a set of **shallow-lying culverts** under the M1 to take American Creek floodwaters above 6 or 6.5 metres AHD.

Without access to flood modelling and other professional tools it is not possible to determine what action, or combination of actions, would yield the desired result that the **flood ratings** for the Northview Estate and nearby areas are reduced from **High** to **Low**. However, we wish to recommend that Council adopts the following **objective** for flood mitigation works in our area:

"To reduce the predicted 1 in 100 year flood of American Creek immediately upstream of the M1 Princes Motorway to be less than 9.5 metres AHD."

The weight of the findings, and their corroboration that flood heights have been materially overestimated in the current flood maps for our area, point to the desirability for an **early intervention** by Council to **suspend** and **replace** the proclaimed flooding risks in the residential areas immediately upstream of the American Creek culverts under the M1 Motorway, at least as an interim measure until key the issues are resolved.

Finally, we have requested that Council responds to this submission directly and also develops and implements an **action plan** to resolve the flooding issues in our area. The action plan will be the key to managing expectations and keeping faith with residents. A more detailed listing of **conclusions** and **recommendations** may be found in **Section 6**.



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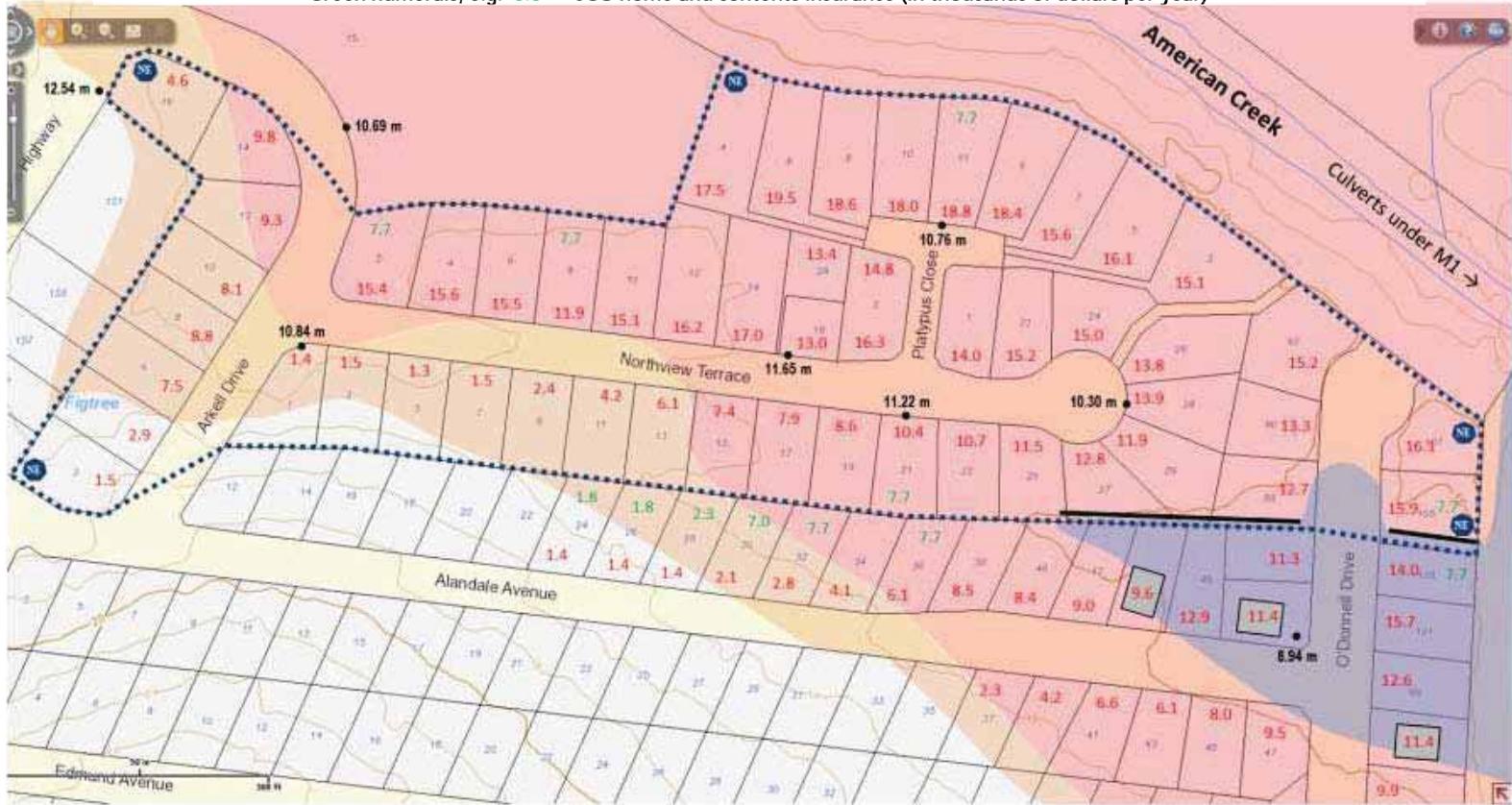
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ON-LINE INSURANCE QUOTATIONS: July 2014

VALUES ASSUMED: Home \$500,000; Contents \$150,000

Red numerals, e.g. 11.1 = GIO home and contents insurance (in thousands of dollars per year)

Green numerals, e.g. 6.8 = CGU home and contents insurance (in thousands of dollars per year)



Notes:

1. Base flooding and contour maps were taken from Wollongong City Council's on-line service <http://maps.wollongong.nsw.gov.au/delhihopublic/?bookmark=Coastal+Zone+Study+Information>
2. Northview Estate boundary is shown as
3. High flooding risk area is shown in pink
4. Medium and low flooding risk areas shown in fawn

4. Elevations (AHD) at survey marks shown as 10.12 m
5. Key retaining walls are shown as
6. Area believed to have flooded in major August 1998 event shown in blue.
7. Homes above August 1998 flood level shown as

Figure 1: Diagram summarising proclaimed flooding areas, contours, land elevations and typical insurance quotations

1. INTRODUCTION

1.1 The problems we are facing

Despite the fact that it has **never flooded** in the Northview Estate, almost all of our properties have been re-classified to be at risk of flooding. Most have been deemed to be at **high risk**, meaning that the cost of home-and-contents insurance policies has risen from under \$2,000 to between \$7,000 and \$20,000 a year, if flooding is covered. Our home values have dropped by up to 10% and Council approval for developments on our properties has become more difficult. In summary, the major problems we face because of re-classification to high flooding risk are:

- Extremely high home and contents **insurance costs**, with some companies refusing to provide insurance
- Decreased **property values**, with delays for sellers and finance proving difficult for buyers
- Difficulties in the **legal development** of our properties.

Although the relevant flooding studies were conducted by council in 2006¹ and 2008², insurance companies did not penalise property owners until 2011 or 2012. An extensive survey of insurance prices indicated that GIO and CGU have been the most competitive in recent times and **Figure 1** was drawn to show typical quotations from these companies³.

As will be readily observed, the insurance prices closely follow Council's declared high risk areas. The reason for this is that the **Insurance Council of Australia** has established a National Flood Information Database⁴ that is based on published government flooding studies. It allows address-level assessment of flooding risk and is directly connected into the quotation systems used by the insurers.

We feel sure that both Councillors and Council Officers will be shocked by the insurance premiums we face in areas that have **never flooded**.

As well as insurance quotations, **Figure 1** also presents other relevant data such as the **flood rating, land elevation** and the area adjacent to our estate that flooded during two major events. The maximum flood height recorded in our area has been **10.0 metres AHD** (in both August 1998 and October 1999), but the 1 in 100 year flood was modelled to be 12.16 metres AHD in the 2008 study². (AHD or **Australian Height Datum** refers to elevations the above mean sea level as measured in 1966-1968.)

The height of the **1 in 100 year flood** is very important as it defines the extent of the **High Risk** area. **Medium Risk** extends to land 0.5 metres above this, and **Low Risk** refers to land between Medium and the level of the Probable Maximum Flood (PMF).

¹ Lawson and Treloar Pty Ltd, "Allans Creek Flood Study", Report J1946/R1986 prepared for Wollongong City Council, September 2006.

² Cardno Lawson Treloar, "Allans Creek Flood Study, Allans Creek Floodplain Risk Management Study & Allans Creek Floodplain Risk Management Plan, Addendum 1", Report prepared for Wollongong City Council, 5 September 2008.

³ The scenario studied was for a typical single-level, brick veneer home with a tiled roof and built on a concrete slab. The home replacement value was assumed to be \$500,000 and the contents replacement value was taken to be \$150,000.

⁴ See <http://www.insurancecouncil.com.au/affordability> for a description.

Please note that flooding risk is also commonly expressed in terms of **Annual Recurrence Interval (ARI)** or **Annual Exceedance Probability (AEP)**. Thus, the 1 in 100 year flood is referred to as 100 years ARI or 1% AEP.

The key reason for the 2006 and 2008 flooding studies predicting flooding in our area relates to an **assumption**^{1,2} concerning the hydraulic performance of the eight large concrete culverts that conduct American Creek eastward under the M1 Princes Motorway (see **Figure 4**). Council's conservative **Conduit Blockage Policy**⁵ deems all culverts under 6.0 metres diagonal/diameter to be fully blocked in a 1 in 20 year or more severe flooding event. Unfortunately, although large, each of these culverts has a diagonal of 5.06 metres.

However, experience shows that these culverts may have sufficient capacity for 1 in 100 year flows if they are unblocked by floating debris, or even if they partially blocked. For example, Council's blockage assumption proved to be incorrect for 1998 and 1999 events, when 70% blockage was observed^{1,2} and there was no flooding in the Northview Estate.

If the culverts are deemed to be fully blocked, the **M1 Motorway acts like an impervious dam wall** holding back **all** of the American Creek flood waters, meaning that modelled flooding events rise to levels that flood the Northview Estate in the 1 in 20 year and more severe flooding scenarios. These results, rather than representing typical behaviour, actually embody a worst-case blockage scenario and are at the heart of our problems.

1.2 Residents' concerns

A more complete summary of residents' concerns is as follows. These were gathered from members of the Northview Estate Flooding Residents Action Group (NEFRAG) in October 2014.

- Concern that Council approved the Northview Estate as being "flood free" on the basis that the 1 in 100 year flood height was 9.9 metres AHD, but now that this has been increased to 12.16 metres AHD, Council has not been able to act proactively or quickly to protect us.
- Concern that Roads and Maritime Services (RMS) is not currently planning to improve the hydraulic capacity of the eight culverts that take American Creek under the M1 Princes Motorway. The 2006 flooding study¹ proposed that the culverts be replaced by a bridge. However, if this is not feasible in the short term, other less-costly actions could be expedited (see Section 5).
- Concern that either Council or the RMS (whichever is responsible) has not acted to install a debris control structure in front of the eight culverts, i.e. to minimise culvert blockage and decrease the assumed blockage factor.
- Concern regarding extremely high home and contents insurance costs.
- Concern regarding decreased property values.
- Concern regarding far greater barriers in obtaining Council approval for developments on our properties.

"Really, there's no one here who can afford to insure. It's just crazy for an area that's never flooded."

- Northview Estate resident

⁵ Wollongong City Council, "Conduit Blockage Policy", Section 7.3 of Wollongong Council Drainage Design Code, 2002.

- Concern that Council is not regularly maintaining American Creek to minimise debris that may block the eight culverts under the M1. However, we have noted some good recent work both upstream and downstream of the Princes Highway.

Not all of these concerns are addressed in detail in this submission, but are tendered to indicate the breadth of the issues.

1.3 Why finding a remedy for the American Creek Culverts under the M1 is key to decreasing flood risk

Figure 2 shows the main creek systems that that have experienced flooding in Figtree and some other key locations discussed in this submission.



Figure 2: Map of Figtree showing the locations of the main creeks, the Northview Estate, the culverts subject to blockage and the “sag point” in the M1 Motorway

Figure 3 shows the flooding map as currently published on-line by council⁶. While there may be some ambiguity, the properties affected by Byarong Creek are those to the north and west of The Avenue, while those affected by American Creek are to the south and west of The Avenue. A careful count of residential properties in the high risk areas indicates that around 165 are affected by Byarong Creek and 150 by American Creek. However, the American Creek area also includes 200 lots in the Figtree Gardens Caravan Park (with around 90% permanent residency), the Sovereign Inn Wollongong Motel and the Figtree Hotel.

⁶ See <http://maps.wollongong.nsw.gov.au/dekhopublic/?bookmark=Coastal+Zone+Study+Information>.

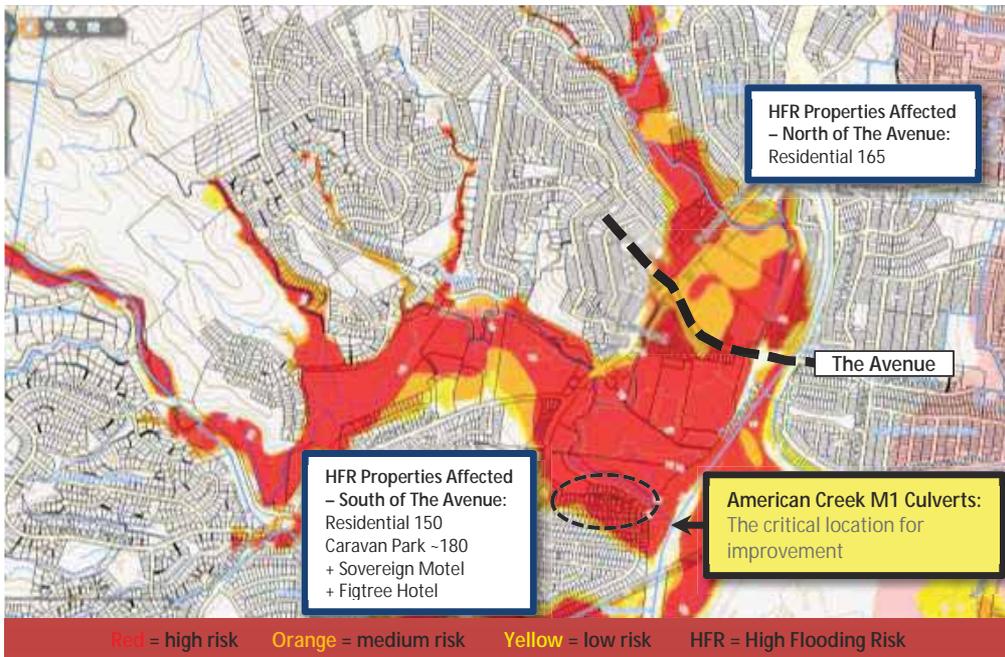


Figure 3: A section of the Wollongong City Council's flooding maps⁶ for the areas of Figtree modelled to be affected by flooding

Overall, the number of residents affected by flooding is greater for American Creek, and since flooding of their properties is determined by the dynamic hydraulic capacity of the culverts taking American Creek under the M1 Princes Motorway, these culverts become the critical focus for flood mitigation in the Allans Creek system. Improvement to their capacity during flooding events will provide the greatest amount of benefit. See Figure 4.



Figure 4: The eight 5.06 m diagonal culverts that take American Creek under the M1 Princes Motorway (upstream side). Dimensions¹ are 3.52 m (H) x 3.65 m (W) x 75 m (L).

1.4 A brief history of the area

1973: The construction of the F6 Freeway (now M1 Princes Motorway) in our area commenced in June 1966 and was opened in December 1973⁷. This included the **eight 5.06 metre diagonal culverts (Figure 4)** that conduct American Creek away from our area, before joining Byarong, Charcoal and Allans creeks downstream, and then discharging the total flow into Port Kembla Harbour and the ocean. These culverts are key to the prediction of high flooding risk in our area. They are subject to varying amounts of blockage during flooding events, with blockage being reported^{1,2} as 70% during both the severe August 1998 and October 1999 events.

The eight culverts that take American Creek under the M1 is the critical location for decreasing flooding risk in the Allans Creek catchment

1991: The Public Works Department of the NSW government prepared the first complete flood modelling study⁸ for the Allans Creek catchment. This study determined that flood level for the 1 in 100 year flood would be **9.9 metres AHD** (Figure 23⁸) in what would later become the Northview Estate.

1993 – 1994: Council approved the development of the Northview Estate⁹ (Stages 1, 2 and 3), predicated on the land being contoured such that the floor level of homes would be at least 0.5 metres above the 1 in 100 year flood as determined by the 1991 flooding study⁸, i.e. above about 10.4 metres AHD.

1993 – 2006: Council provided prospective residents of the Northview Estate with 149 Planning Certificates that stated that properties were flood free. For example, a Planning Certificate dated 26/11/1999 for 21 Northview Terrace stated as follows:

“Council’s flood hazard assessment maps do not show that the land is located in an area where flooding has occurred or is suspected.”

2002: In the wake of unexpected flooding caused by blockages occurring at culverts and bridges during the August 1998 flooding event, Wollongong City Council adopted a Conduit Blockage Policy⁵ that deemed all conduits under 6.0 metres diagonal to be fully blocked in a greater than 1 in 10 year flooding event. This far-reaching assumption has been adopted in future flood modelling studies.

2006: Completion of the Allans Creek Flood Study¹, which was published in September. This predicted that the 1 in 100 year flood level would be 12.55 metres at the M1 culverts and in the Northview Estate. As previously explained, this higher level was largely dependent on Council’s policy assumption that the culverts would be **fully blocked** in a 1 in 20 year flood and more severe events.

⁷ See <http://www.ozroads.com.au/NSW/Freeways/F6/construction.htm>.

⁸ Department of Public Works NSW, “Allans Creek Flood Study”, Report PWD 89013 prepared for Wollongong City Council, June 1991.

⁹ Stage 1 by DP 833840 of 28/9/1993, Stage 2 by DP 836009 of 14/12/1993, Stage 3 under DP 838601 of 20/5/1994.

2007: The Valuer General decreased land values in the Northview Estate by around 7% compared with the previous values of 2004, but without explanation as to any connection with flood rating.

2008: The Allans Creek Addendum 1 study² was completed and published in September. This study updated the 2006 study in two major ways:

(a) a more accurate representation of the floodplain as determined by airborne laser scanning was used for presentation of the flooding contours, and most importantly

(b) by taking into account the removal of the median mound in the M1 Princes Motorway in an area adjacent to and south of the Collegians Sporting Centre (formerly Lysaghts Oval). This allowed flood waters from both Byarong and American Creeks to pass over the low area of the M1 at 9.6 metres AHD.

As a result of these improvements, the 1 in 100 year flood upstream of the M1 culverts for American Creek decreased to **12.16 metres AHD**, i.e. to that now defining the High Risk flooding area shown in Figure 1.

2011 – 2012: Insurance companies reacted to the widespread Queensland floods of December 2010 to February 2011, plus completed local flooding studies, to raise home-and-contents premiums by 400% or more in proclaimed high risk areas.

2013: A petition was circulated in November for Wollongong City Council to “review Northview Subdivision flood risk classification”. This petition readily collected 56 signatures and, as a result, an on-site meeting was held at 21 and 23 Northview Terrace on 10 December. In attendance were Councillors Ann Martin, Vicki Curran and Chris Connor, plus senior Council Officers Mike Dowd and Peter Garland. Around a dozen local residents were present.

2014: Ward Councillors have been regularly updated with news on insurance costs, house sales and possible remedies. In August our local communications network, NEFRAG, was established, along with updates by newsletters.

On 5 November a presentation, based on this submission, was made to the Lord Mayor, Councillors and Council Officers Peter Nunn and Peter Garland.

While there is clearly good will from both Councillors and Council Officers, there has been little progress toward alleviating either the flooding risk or re-assessing our flood rating. Funding has been identified as a key barrier.

1.5 Scope of this submission

Our objectives in assembling the information in this submission have been:

- To understand how it can be that much of our estate is now classified as having a high flooding risk, despite never having been flooded.
- To identify cost effective solutions that will
 - Decrease our flood rating, and/or
 - Decrease our flood risk.

Three technical investigations have been conducted and reported here:

- Use of probability theory and other constraints to classify the seven flooding events that have occurred over the 41 years since construction of the M1 Princes Motorway
- Scientific concerns regarding the 2006 and 2008 flood modelling studies of American Creek
- A review of Council's Conduit Blockage Policy of 2002 and other associated issues.

This submission **does not** consider:

- Legal issues
- Moral issues
- Flow-on issues for the Wollongong economy, or
- Anomalies in the modelling comparing different locations of the floodplain, e.g. why some areas that have flooded in the past do not have a high risk rating, while some that haven't do.



2. OBSERVED VERSUS PREDICTED FLOODING EVENTS

2.1 Historical Flooding Events post construction of the M1 Princes Motorway

The 2006 Allans Creek Flood Study¹ does not discuss whether design rainfalls were higher than used in the 1991 study⁸, so this remains as a possible cause of some of the flood height differences between the studies. However, the 1991 study did not invoke culvert blockage, so the levels determined then remain as important estimates for the unblocked condition, i.e. 9.9 metres AHD for the 1 in 100 year flood for American Creek at the M1 Motorway culverts. This accords satisfactorily with the 10.0 metres AHD observed for the August 1998 flood, where the rainfall was described as “at or above the 100 year average recurrence interval (ARI)” in the escarpment, but in the lower reaches of the catchment recorded rainfalls were less than the 100 year ARI¹ (discussed further and classified below). The culverts were estimated to be **70% blocked**¹, vitally less than prescribed by the blockage policy

According to data presented in the 1991⁸, 2006¹ and 2008² flooding studies of the Allans Creek catchment, in the **41 years** since the construction of the M1 Motorway, there have been seven significant rainfall events (roughly 1 per 6 years), with flood heights at the M1 culverts being as shown in **Table 1**.

Table 1: Significant Recorded Flooding Events Post Construction of the M1 Princes Motorway

Event Date	American Creek Flood Height at M1 (m AHD)	Reported Rainfall ^{1,8} (mm)	Observed Culvert Blockage (%)
9-11 March 1975	7.3	449 - 591	Not recorded
20-21 March 1983	~ 6	130 - 264	Not recorded
14-15 October 1983	~ 7	130 - 284	Not recorded
18-20 February 1984	7.5	191 - 407	Not recorded
10-12 June 1991	~ 7.2*	344 - 429	Not recorded
17-18 August 1998	10.0	158 - 336	70
23-24 October 1999	10.0	151 - 254	70

* Measurement unavailable. Taken from the level modelled during calibration.

2.2 Matching historical events with modelled events

Figure 5 draws together the observed flood heights with the scenarios modelled in 1991⁸ and 2008². As will be observed:

- Minimum floor levels in the Northview Estate are comfortably above the maximum flood experienced
- The 100 year flood as modelled in 2008² at 12.16 metres is more than 2 metres above the historical highest floods
- **All** of the recorded flood heights fall **significantly lower** than predicted for a 1 in 20 year event in the 2008 study², and
- All, but the two most severe floods, fall below the height predicted² for a 1 in 5 year flood.

Observed and Predicted American Creek Flood Heights

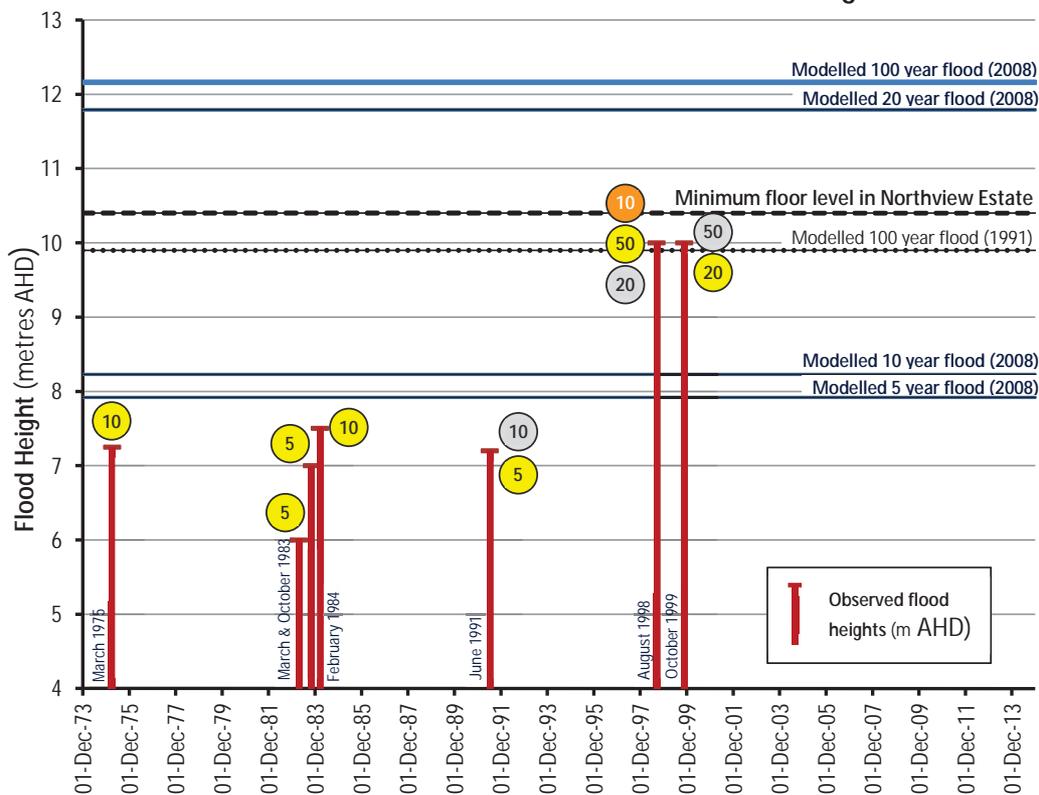


Figure 5: Flood heights at the culverts that conduct American Creek under the M1 Princes Motorway over the 41 years since its completion in December 1973. (Classifications are shown in years ARI: Best fit as ●, second choice as ○, third choice as ●)

This raises the question as to whether the rainfall and flooding events observed could be considered to be at 1 in 100 year levels, or in fact, at the 1 in 20 year level that was predicted to flood most of our area in the latest modelling².

Ideally, a tool such as a flooding model, would be valuable in simulating various scenarios. However, as this was unavailable to the author, an alternative approach was taken, based on probability and the matching of events.

Using the same approach to probability as employed in the Allans Creek Floodplain Risk Management Study of 2006¹⁰, Table 2 shows the likelihood of events, assuming other factors are constant, e.g. climate, land use, etc.

"It's an acid test. The flood modelling says we should flood in a 1 in 20 year event. If such events have occurred in the 41 years since the M1 Motorway was built, the modelling must be incorrect."

¹⁰ Lawson and Treloar Pty Ltd, "Allans Creek Floodplain Risk Management Study", Report J1946/R1946 prepared for Wollongong City Council, September 2006, Table 6.1.

Table 2: Probability of Flooding Events at the American Creek Culverts since the Opening of the M1 Princes Motorway in December 1973

Event	Probability of experiencing at least one flooding event in 41 years
1 in 5 years	100%
1 in 10 years	99%
1 in 20 years	88%
1 in 50 years	56%
1 in 100 years	34%

Table 2 assists in the classification of the events shown in **Figure 5**. It indicates that the flood heights are almost certain to have represented 1 in 5 year and 1 in 10 year events, very likely (88%) to have included 1 in 20 year events, more likely than not (56%) to have included a 1 in 50 year event, and possible to have included a 1 in 100 year event (34%).

To complete this analysis, the seven significant **flooding events** (**Table 1** and **Figure 5**) were matched against the **modelled results**, which are shown in **Table 3**, while also applying the **probability constraints** (**Table 2**). Importantly, the assignments were made in such a way so as to **minimise height differences** with the modelled results. The final assignments are shown in **Table 4** and **Figure 5**. Please note that real floods can be classified more accurately, e.g. as 1 in 15, 30, 70 years, etc, but in this case only the modelled scenarios were used for the assignments.

The assignments of past events were made so that the modelling was given every chance of being right.

Table 3: Modelled Flood Heights at the American Creek Culverts under the M1 Princes Motorway

Event	1991 Study (m AHD)	2008 Study (m AHD)
1 in 5 years	Not modelled	7.92
1 in 10 years	Not modelled	8.23 [†]
1 in 20 years	8.2	11.79 [†] (100% blockage)
1 in 50 years	9.0	12.00 (100% blockage)
1 in 100 years	9.9	12.16 (100% blockage)
PMF*	12.3	13.20 (100% blockage)

* PMF means Probable Maximum Flood.

[†] Note the large 3.5 metre increase in predicted flood level upon application of 100% blockage.

Table 4: Matching of Flood Heights with Probabilities and Modelled Results

Event Date	Flood Height (m AHD)	Likely Assignment	Comments
9-11 March 1975	7.3	1 in 10 yr	0.9 m below predicted height. Assignment difficult due to very high rainfall.
20-21 March 1983	~ 6	1 in 5 yr	1.9 m below predicted height.
14-15 October 1983	~ 7	1 in 5 yr	0.9 m below predicted height
18-20 February 1984	7.5	1 in 10 yr	0.7 m below predicted height
10-12 June 1991	~ 7.2	1 in 5 or 1 in 10 yr	0.7 - 1.0 m below predicted heights
17-18 August 1998	10.0	1 in 50 or 1 in 20 or 1 in 100 yr	FM2008: At least 1.8 m below predictions FM1991: Close to 1 in 100 yr prediction
23-24 October 1999	10.0	1 in 20 or 1 in 50 yr	FM2008: 1.8 to 2.0 m below prediction FM1991: Close to 1 in 100 yr prediction

Note: FM1991 and FM2008 mean the flood modelling studies of 1991⁸ and 2008².

The rationale for the assignments shown in **Table 4** is as follows:

- Since there have been only 7 significant events in the 41 years since the completion of the M1 Princes Motorway (1 per 6 years average), it is almost certain that all of the events are 1 in 5 years, or more severe.
 - If some were less severe (e.g. 1 in 2 or 3 years), there should be many more events, perhaps totals of 12 to 20, rather than 7.
 - If the minimum severity was 1 in 10 years, there probably should be fewer events, perhaps only 3 or 4, and the discrepancy in flood heights with those modelled would be even greater than shown in **Table 4** and **Figure 5**.
- From this probabilistic foundation, the March and October 1983 events have been assigned as 1 in 5 year events. The assignment of the June 1991 event is less certain. There was a similar flood height, but the much higher rainfall (see Table 1) supports an alternative assignment as a 1 in 10 year event.
- Moving up an increment¹¹ in flood height, the March 1975 and February 1984 events have been assigned as 1 in 10 years. The March 1975 event is difficult to assign because of the very high rainfall reported⁸. Assignment to 1 in 20 years would be conceivable, but would be at odds with the low recorded flood level.
- Both the August 1998 and October 1999 events have flood heights 2.5 metres greater than previously experienced, probably supporting both
 - the effect of increased culvert blockage (observed to be 70% in both cases), and
 - the likelihood that both events were far more severe.

¹¹ Typically this was modelled as 0.3 – 0.5 metres between scenarios in the 2008 study¹, comparing cases where application of the conduit blockage policy was not inflating the change.

In line with the descriptions of events provided in the 2006 study¹, the August 1998 event has been assigned as 1 in 50 or 1 in 100 years, though the latter seems less likely. It is also possible that this event was less severe, say 1 in 30 or 40 years, so for the purpose of the classification it should also be compared with the 1 in 20 year modelled result.

The October 1999 event has been assigned as 1 in 20 years, but because of the high flood height, there is the possibility of it being a 1 in 50 years event.

- Comparisons with the 1991 modelling study⁸ have also been made, but it seems to underestimate the observed flood heights by about 1 metre, presumably as a result of not considering blockage, although, as previously mentioned, lower assumed rainfall may also be a factor.

2.3 Conclusions from observed versus predicted flooding events

As will be observed from the comments in **Table 4**, the 2008 flood study², which is the basis of Council's current flooding maps and classifications, has consistently overestimated the historical flood heights.

A better match between the model and actual events would be obtained if the modelled results were 0.7 to 2 metres AHD lower. For the 1 in 5 year and 1 in 10 year cases (where 100% culvert blockage is not invoked), the overestimation is 0.7 to 1.9 metres, and for the more severe floods, where 100% blockage is invoked, the overestimation is 1.79 to 2.16 metres.

From the analysis above, it is almost certain that there have been two flooding events at the 1 in 20 year level or above, i.e. events that should have been at or above 11.79 metres AHD if the modelling is correct. The modelling says that such events would flood much of our area, but the maximum flood height experienced

From the available evidence, the modelling has consistently overestimated real-world flood heights, whether blockage was a factor or not.

has been 10.0 metres AHD, which did not flood any part of the Northview Estate. This is a clear contradiction where the modelling has been incorrect.

The consistent overestimation of flood heights at the point where American Creek flows under the M1 Princes Motorway has very serious consequences and certainly requires a full investigation with a view to rationalising and remedying the situation.

As previously demonstrated in **Section 1.1**, insurance policy costs rely on the flooding risk classification. Only 0.5 metres AHD can be the difference between high and low classifications, and a minimum of \$5,000 a year in insurance costs.



3. SCIENTIFIC CONCERNS REGARDING THE 2006 AND 2008 FLOOD MODELLING STUDIES OF AMERICAN CREEK

3.1 Model calibration

Calibrations of the MIKE-11 model were conducted for the 1984, 1991, 1998 and 1999 floods in the 2006 study¹, and appear not to have been updated in the 2008 study. Although the 2006 study reported that the model “generally calibrated well”, this does not extend to every location, and Table 5 and Figure 6 show the results for the American Creek culverts under the M1.

Table 5: Accuracy of Calibration of the Mike 11 Model (2006 Study¹)

Event Date	Calibration vs. Actual Flood Height	Reference ¹
18-20 February 1984	1.05 m above	Figure E40
10-12 June 1991	No actual for comparison	Figure E34
17-18 August 1998	1.3 m above	Figure E18
23-24 October 1999	0.6 and 0.9 m above (2 points)	Figure E2
Average	0.96 m overestimated flood height	

It is clear from Table 5 that the model **consistently overestimated** actual flood heights in the calibration phase. There are several possible reasons for the overestimation, for example:

- **Blockage assumed to be larger than actual.** The values used for the 1998 and 1999 floods (70%) were those observed immediately after the events and may have been overestimated. However, there was no discussion of this, or the sensitivity of predicted flood levels to this factor so as to estimate accuracy and errors.
- **Other adjustable parameters not optimised.** Since blockage was not a factor at this location for the 1984 flood, the overestimate for this flood can only be ascribed to (a) adoption of non-optimal parameters, (b) errors in the model setup, e.g. the “branch layout” (see Section 3.4), or (c) use of a modelling method incapable of the required consistency in predicting flooding heights along the critical sections of American Creek.

Modelling of the key events, e.g. the 1 in 100 year flood, using parameters that did not precisely simulate the known events used for calibration, almost certainly must lead to flooding scenarios that would be similarly inaccurate. The finding for the 1984 event is the most telling in this regard as it was not affected by blockage assumptions, and it is regrettable scientifically that there was no calibration point for the 1991 flood to add additional weight.

The conclusion here is that the calibrations undertaken were inadequate for American Creek at the M1 culverts because they consistently overestimated the actual flood levels by material amounts. The degree of overestimation in predictive mode is uncertain, but the evidence above is consistent with it being approximately 1 metre. Culvert blockage assumptions would add to this for 1 in 20 year and more severe events.

Clearly, the statement made in the 2006 study that the model “generally calibrated well” was not applicable at individual locations.

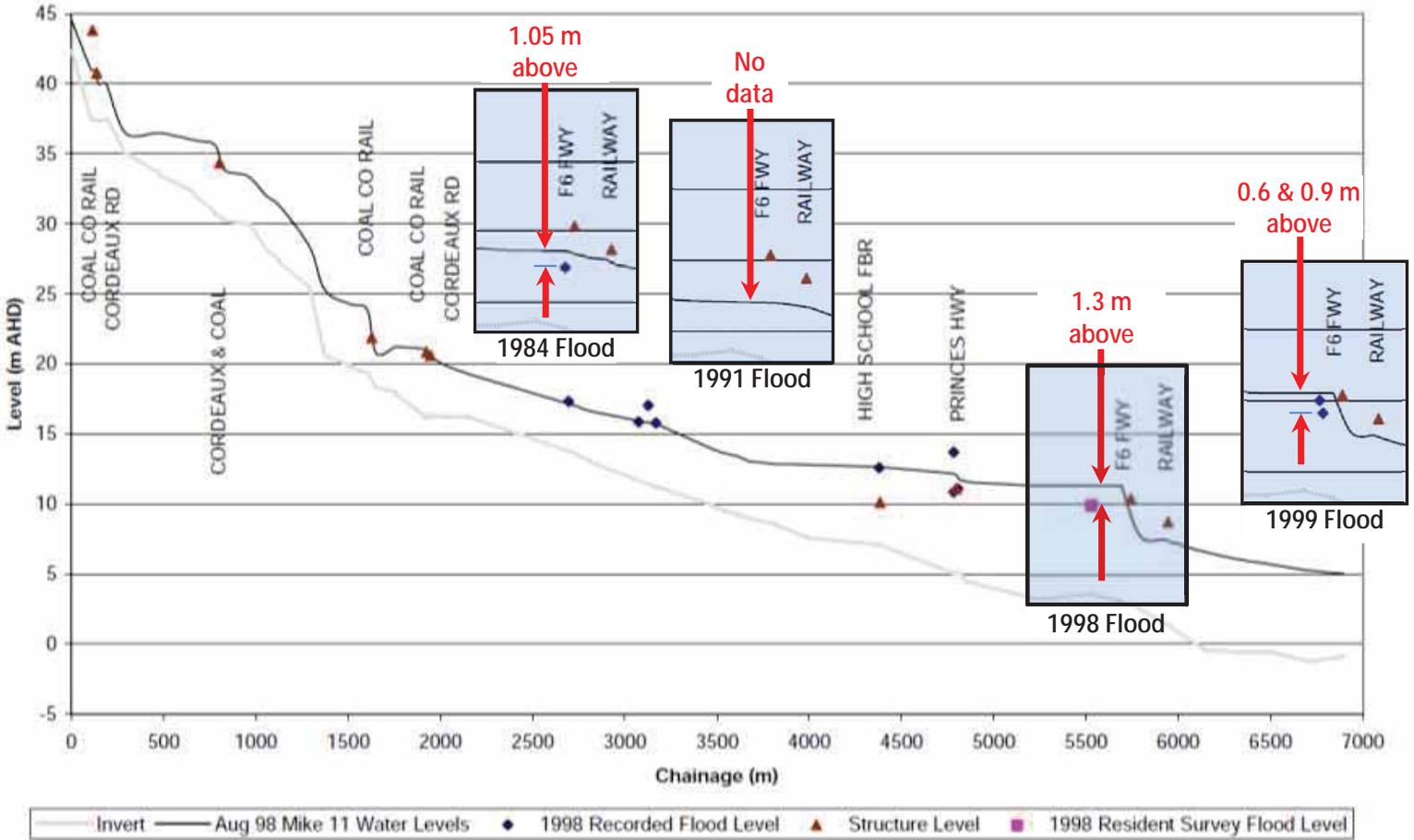


Figure 6: Composite diagram of the calibration flood heights at the American Creek culverts under M1/F6 for the four flooding events used during calibration

3.2 Lack of statements regarding the accuracy of predicted flood levels

When it is considered that a difference of as little as 0.5 metres can lead to major changes in flooding risk classification, it is clear that the accuracy of fit of the calibrations was inadequate in our area. For this purpose the accuracy required for the flood predictions should be something like ± 0.025 or perhaps ± 0.05 metres.

Although sensitivity testing was carried out for key parameters in the 2006 study and briefly reported, there is **no general statement concerning the expected accuracy of the modelled results** in either the 2006 or 2008 studies. There is not any discussion regarding the propagation of uncertainties from important sources, for example:

- Uncertainties in the **contours** of the catchment, i.e. effects relating to the accuracy of the land surveys
- Acceptable variability in **rainfall** (amounts and timing) for the scenarios and flow-through effects
- Effects of misclassifications for **runoff**, e.g. properties of the terrain (roughness and permeability)
- Effects of not achieving exact **calibrations** at key locations, and
- Propagation of **numerical errors** in the modelling code, including any convergence criteria.

The lack of detailed statements on the expected accuracy of the resulting flood profiles must be considered to be very important omissions, both scientifically and when the flow-on effects of the results to insurance costs, property values, property development and the alienation of land are considered. It appears that the insurance companies and banks are accepting the results at face value, i.e. flood heights in metres accurate to two decimal places.

It appears that the insurance companies and banks are accepting the modelled flooding results at face value.

3.3 Testing of the calibrated model on other known events

It is normal in scientific modelling to: (a) determine and set optimal values for the adjustable parameters during a calibration phase, and then to (b) test the robustness of the calibrated/optimised model on other known situations, before (c) using the model for prediction.

Such testing was not reported for the 2006 and 2008 studies, despite data being available for the 1975 and 1983 events that were modelled in the 1991 study⁸. This step would have been particularly valuable for sites where the model did not calibrate well, for example at the American Creek culverts under the M1.

3.4 Branch Layout

For the 2006 and 2008 studies, the Mike-11 model was prepared with the locations of known creeks and streams, which is termed the "branch layout"¹². In the area of interest, there is one branch, shown in **Figure 7**, that cannot be found by inspection of the area. Noting information from the cross sections studied, the presence of this branch has the effect of

¹² Shown in Figure 6.1 of Reference 1.

conducting floodwaters southward from Byarong Creek toward and into American Creek, rather than eastward to the “sag point” in the M1 Princes Motorway. If the magnitude of the false flow was sufficient, it may provide the reason, or part of the reason, for the consistent overestimation of flood heights of American Creek at the M1 culverts during calibration.



Figure 7: Flow channel that could not be found during site inspection¹²

An associated concern is that two existing drainage channels that can take American Creek floodwater to the “sag point” were not included in the branch layout. These are shown in Figure 8 along with an existing path from the retention basin to American Creek.



Figure 8: Observable flow channels that take runoff toward the “sag point” in the M1 Princes Motorway or American Creek.

3.5 Culvert elevation ambiguity

There is some ambiguity regarding the structure height of the culverts that take American Creek under the M1. Figures in the 2006 and 2008 studies show this height as 10.0 metres AHD, e.g. as seen in Figure 6. However, it is clear from Appendix E¹ that the top of the culvert entrance is 6.61 metres AHD. This is supported by the figures in the 1991 study⁸, which show the top of the aperture being approximately 6.5 metres.

This discrepancy raises a question as to whether the culvert dimensions and elevation have been correctly modelled in the 2006 and 2008 studies. The horizontal resolution of the modelled heights inside the 70 metre long culverts appears to be insufficient to check this point, see Figure 6 for example.

3.6 Conclusions regarding scientific concerns

Immediately following the Allans Creek flood modelling studies of 1991, 2006 and 2008, the results were used for all of the right reasons, *viz.*

- for flood warnings
- planning of flood mitigation measures, and
- flagging caution when considering development applications.

However, now that both the **insurance companies** and the **banks** are using the results, apparently at **face value**, the capability of the methods and the accuracy of the results come sharply into focus. Are these methods sufficiently reliable to be used for these purposes now that differences of 0.05 metres or less in predicted levels may have severe consequences for residents?

This review has focussed on a single critical point in the Allans Creek catchment, i.e. the American Creek culverts under the M1 Princes Motorway and has identified scientific issues that need to be investigated and settled before further modelling is conducted. The issues identified are as follows:

- **Model calibration.** Flood heights produced by the optimised model were consistently too high by around 1 metre, whether or not culvert blockage was involved in the modelling. How much would this incorrectly elevate predicted flood heights?
- **Model testing on other known events.** Particularly in the case that the model did not calibrate well at some key locations, it was necessary to test its performance on other known flooding events. Was this done and not reported?
- **Branch layout.** This appears to be incorrect immediately upstream of the American Creek culverts. Could this be a partial or complete explanation for over-prediction of flood height during calibration at this location?
- **Elevation ambiguity.** The height of the M1 culvert structure is incorrect in the diagrams in the 2006¹ and 2008² flood modelling reports. Is it actually correct in the model?
- **Lack of statements on the accuracy of predicted flood heights.** This overarching issue has become very important as both the insurance companies and the banks appear to be taking the results at face value. Understanding this may also assist in resolving anomalies, e.g. areas that flooded in 1998 and 1999, but have been modelled to be at medium, not high risk.

■

4. UPDATING THE CONDUIT BLOCKAGE POLICY

4.1 What is the conduit blockage policy?

Wollongong City Council's conduit blockage policy was based on experience gained from analysis of the August 1998 flooding event in four catchments (Hewitts Creek, Towradgi Creek, Cabbage Creek, Allans Creek) and is described in several conference papers, but originally by Rigby and Silveri in 2001¹³. The policy is quoted below¹:

- i. 100% blockage for structures with a major diagonal opening width of <6 m
- ii. 25% bottom up blockage for structures with a major diagonal width of >6 m.
- iii. 100% blockage for handrails over structures covered in (i) and for structures covered in (ii) when overtopping occurs.
- iv. Culvert blockage criteria apply only to exceedance probabilities greater than 10 year ARI, i.e. to greater than the 1 in 10 year flood.

4.2 Critique of the blockage policy

After a significant amount of unexpected flooding occurred during the 1998 flooding event this policy was undoubtedly needed as an **interim measure** to:

- Trigger **public warnings** during significant rainfall events
- Assist in the planning of **flood mitigation** works, and
- Defer **development applications** during a period of uncertainty.

However, by representing the blockage data in a very **conservative manner**, in fact as a “**worst case scenario**”, the policy also had major weakness that required addressing in the short to medium term. After 12 years, it is clear that the policy no longer represents a reasonable position. The main deficiencies to be addressed are as follows:

- **Unrealistic.** It is difficult to imagine how floating debris could pack so closely as to fully plug all flow in larger culverts, say over 1 metre width. So, is the true limit less than 100%, say 90 or 95%?

*100% blockage seems extreme.
It's as if the culverts don't
actually exist.*

Having a *single* critical cut-off point at 6.0 metres also seems unrealistic. Is there really a profound difference in behaviour between 5.99 metres (deemed 100% blockage) and 6.00 metres, when the blockage factor drops to 25%?

- **Not ARI neutral.** Blockage is better described in probabilistic terms. Not all culverts and bridges block in 1 in 20 year and more severe floods. By ignoring lower blockage for under 6.0 metres diagonal structures, modelled flood levels become higher on average, moving them to higher ARI. For example, a case of 1 in 100 year rainfall might be forced up by the blockage policy to produce a 1 in 200 year flood.
- **The timing of blockage.** In a real situation blockage will build up over a period of time, before reaching a maximum value, and this needs to be part of the modelling. It

¹³ E H Rigby and P Silveri, “The Impact of Blockages on Flood Behaviour in the Wollongong Storm of August 1998”, Proceedings of the 6th Conference on Hydraulics in Civil Engineering, Institute of Engineers Australia, Hobart, November 2001.

is also conceivable that blockage may decrease when (and if) the flood waters rise well above the culvert and the debris re-floats.

- **May sterilise land that would otherwise be developed.** With flood levels artificially moving upward, development may be precluded on land that is actually below the real 1 in 100 year flood level.
- **Based in insufficient and/or incomplete data.** This is discussed below.

4.3 The data from which the policy was derived

Figure 9 shows the data from which the policy was derived (Rigby *et al*¹⁴). It is clear that post-estimated 100% blockage did occur up to 5.6 m diagonal/diameter, but it was almost equally likely that lower blockage occurred in this size range.

Rigby *et al*¹³ mention that the *maximum* culvert size studied was 4.7 metres diagonal, i.e. less than the 5.06 m of the American Creek culverts and the 6.0 metre 100% blockage trigger point. The maximum culvert size that actually blocked fully was only 4.2 metres diagonal, casting doubt on the 6.0 metre criterion. All data points above 4.7 metres are bridges, not culverts, and the *minimum* bridge opening was 4.2 metres.

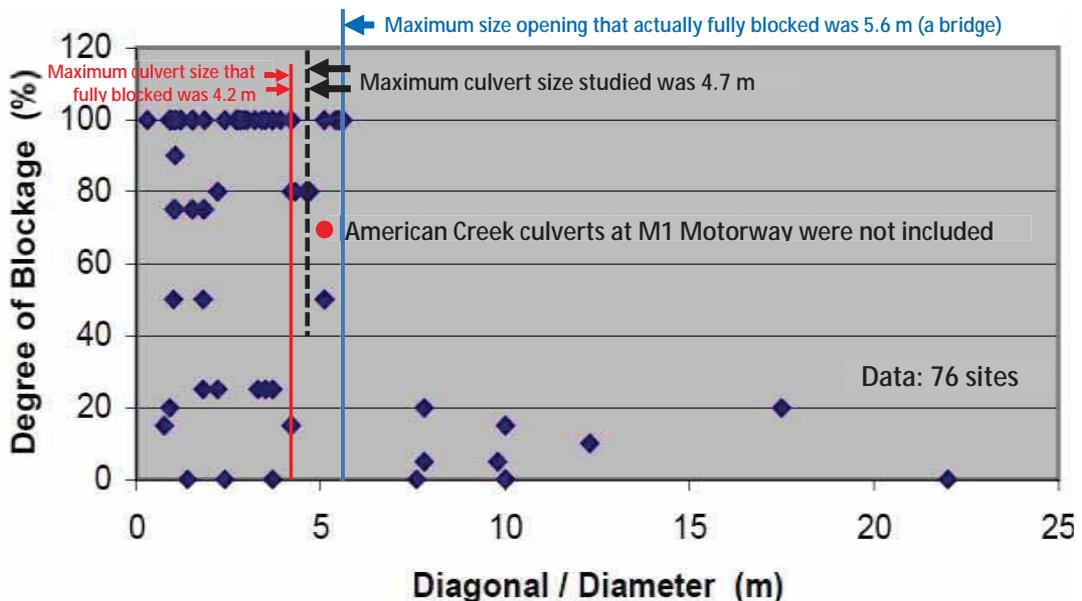


Figure 9: Degree of Blockage versus Structure Opening Size (after Rigby *et al*^{13,14})

Taking the blockages recorded in the 2006/2008 studies of Allans Creek, it is also evident that the data set was incomplete in the original analysis. For example, the key blockage figure reported for the American Creek culverts was missing and has been added to Figure 9 in red.

The conclusion from this examination is that the 100% blockage policy for culverts under 6.0 metres was adopted as a conservative position and was suitable as a short-term interim measure. It was derived from a sub-set of the available data and did not consider potentially important aspects.

¹⁴ E H Rigby, M J Boyd, S Rosso, P Silveri and A Davis, "Causes and Effects of Culvert Blockage during Large Storms", in Global Solutions for Urban Drainage, Ed. E Strecker and W Huber, ASCE, 2002.

Clearly additional scientific work was required to address the simplicity of this initial assessment and such work has been continued by the original investigators. Since 2009 the subject of blockage has also been studied by Engineers Australia via projects related to its reference publication “Australian Rainfall & Runoff” (see below).

4.4 Developments in the science of conduit blockage

From the beginning of the blockage studies, Rigby and Silveri¹⁵ recognised the importance of factors other than conduit diagonal/diameter and recommended a more site-specific approach; for example, special treatment for sites with low blockage potential, i.e. where the stream headwaters were in well maintained urban areas. This concept was developed further and in 2009 Barthelmess and Rigby¹⁶ extended the analysis of Wollongong flooding data by considering the potential debris load taken from a “debris potential map” and proposed the scheme shown in Table 6.

Table 6: Updated Structure Interaction Criteria⁹

Upstream Catchment Conditions	Culvert Blockage Conditions	
Debris Potential	Full Blockage	Partial Blockage
High	If ≤ 6000 mm diagonal	If > 6000 mm diagonal, then apply 25% blockage
Moderate	If ≤ 2400 mm diagonal	If > 2400 mm, then apply 15% blockage
Low	If ≤ 1200 diagonal	If > 1200 mm, then apply 10% blockage

In 2011, Barthelmess and Rigby¹⁷ introduced a more advanced multi-factor procedure for the estimation of blockage. This procedure has been adopted and further refined in projects related to updating the Engineers Australia reference publication entitled “Australian Rainfall & Runoff” (Project 11)^{18,19}. In brief, the advanced multi-factor procedure is based on determining for each culvert or bridge in a system:

- Debris Type and Size
- Debris Potential, Mobility and Transportability
- Opening width of the culvert or bridge
- Timing expected for the blockage to occur.

The final question to be answered is how to ensure that new blockage rules do not bias flood heights by assigning blockages that are either too high or too low.

¹⁵ Reference 13, Section 7.3.

¹⁶ A J Barthelmess and E H Rigby, “Quantification of Debris Potential and the Evolution of a Regional Culvert Blockage Model, H2009: 32nd Hydrology and Water Resources Symposium, Engineers Australia, Newcastle, December 2009.

¹⁷ A J Barthelmess and E H Rigby, “Estimating Culvert & Bridge Blockages – A Simplified Procedure”, 34th Hydrology and Water Resources Symposium, Brisbane, Engineers Australia, June 2011.

¹⁸ W Weeks, G Witheridge, E Rigby, A Barthelmess and G O’Loughlin, “Australian Rainfall & Runoff Revision Projects, Project 11: Blockage of Hydraulic Structures, Stage 2 Report”, P11/S2/021, Engineers Australia, February 2013.

¹⁹ W Weeks, “Australian Rainfall & Runoff Revision Projects, Project 11: Blockage of Hydraulic Structures, Blockage Guidelines – Draft for Discussion”, Engineers Australia, February 2014.

It will be observed that the average blockage (dotted line) was almost independent of culvert size for the more severe 1998 event (probably around a 1 in 50 year event) and could be represented by a single blockage figure of around 78%. However, for the less severe 1999 event (probably around 1 in 20 years), the blockage on average depended significantly on size and decreased from 100% for a diagonal of 1.0 metre, down to 20% at 5.0 metres.

In this simple illustration, because the correlation lines are averages, they could be developed as the basis of ARI neutral blockage rules. Of course, a lot more work would be required to validate and generalise this approach.

4.6 Conclusions on culvert blockage policy

Now that the insurance companies are imposing very large penalties on residents in high flooding risk areas, it may be time for Council to refine and re-balance the blockage policy from a **conservative** position (maximum blockage, worst case scenario) to an **ARI/AEP neutral** position. Engineers Australia is recommending this position in published documents relating to the updating of Australian Rainfall & Runoff¹⁸, and draft blockage rules are already available¹⁹.

If statistically typical or average blockage is not used in modelling, 1 in 100 year rainfall will not result in a 1 in 100 year flood. In the case of the application of Wollongong City Council's conduit blockage policy since 2002, it appears highly likely that flood modelling for 1 in 20 year and more severe events in Wollongong will have produced flood heights that are statistically too high. Without having access to the past models or unpublished results, it is beyond the scope of this submission to quantify differences.

To be a valid design event, 1 in 100 year rainfall must produce a 1 in 100 year flood. Design blockage must therefore represent the typical or average event, and not be skewed toward either optimistic or pessimistic blockage scenarios.

It is recommended that Council takes on the refinement of the conduit blockage policy as an **urgent task** to be completed as soon as feasible, e.g. before the end of 2015.

Wollongong City Council took a leadership position in 2002 when it adopted the conduit blockage policy, and it can continue this leadership position by early adoption of the new guidelines that are currently being tested and finalised by Engineers Australia.

Updating the conduit blockage policy would no doubt provide the **least costly option** for resolving many of the issues relating to the flooding models not being in accordance with known flooding events and may, by itself, enable the lowering of many home-and-contents insurance premiums.



5. LOW COST OPTIONS FOR IMPROVEMENT

5.1 The case for action

As outlined in previous sections of this submission, there appear to be justifiable concerns regarding both the flood modelling for our area and Council's conduit blockage policy. Although refinement of both aspects would be likely to produce some relief for residents by decreasing predicted flood heights by 1 metre or more, there remains a strong case to reduce flooding risk.

As will be observed from the survey markers and contours in **Figure 1**, reduction of predicted flood heights by 1 metre to 11.16 metres would not be sufficient to remove the high risk rating from half of the properties in the Northview Estate, and would not address the flooding that has actually occurred nearby in O'Donnell Drive and Alandale Avenue. A reduction of 1 metre would also be insufficient to address flooding of the **Figtree Gardens Caravan Park** or the **Sovereign Motel**.

An appropriate aim for flood risk reduction would be for the predicted 1 in 100 year flood height to be reduced to less than 9.5 metres AHD at the American Creek M1 culverts.

The objective of this section is to identify practical, relatively low-cost options that will reduce flooding risk and/or flood rating. An assumption has been made that the best solution, as recommended in 2006^{1,10}, to replace the eight culverts under the M1 Princes Motorway by a bridge, will not be feasible in the short to medium term.

5.2 Summary of proposed actions

The relatively low-cost measures that have been identified for American Creek at the M1 Princes Motorway are as follows and are illustrated in **Figure 11**. Without having access to a flood modelling tool it is difficult to determine whether a single action or a package of actions will be required to deliver the target proposed above.

- 1 Refinement of Council's **conduit blockage policy** to ensure ARI/AEP neutrality, followed by recalculation of the flooding levels for our area. This very low-cost measure has already been discussed in **Section 4**.
- 2 Construction of a **debris control structure** in front of the culverts by Council or Roads and Maritime Services (RMS), thereby ensuring low blockage and allowing recalculation of the estimated flood levels.
- 3 Completion of **minor earth works** to conduct a greater proportion of American Creek's floodwaters over the low point in the M1 Princes Motorway, 400 metres north of the culverts. This low point (or "sag point") overtops at 9.6 metres AHD², well below the 10.4 metres AHD that is the minimum elevation of floors in the Northview Estate.
- 4 Construction of a **110 metre levee** on the south side of American Creek, from the M1 Motorway embankment to the rear of 107 O'Donnell Drive, to protect properties adjacent to the Northview Estate that have flooded during the two most severe events.
- 5 Construction of a **set of shallow-lying culverts** under the M1 to take floodwaters above 6 or 6.5 metres AHD. These would be located perhaps 150 – 200 metres north of the current culverts and would commence drainage just before the existing culverts are covered at around 6.6 metres AHD.

Options 2 to 5 are discussed in more detail in the next sections of this submission.



Figure 11: Proposed relatively low-cost options to decrease flooding risk from American Creek

5.3 Design and installation of a debris control structure at the M1 culverts

Council officers will be well aware of designs for effective debris catching before culverts. One design involves placing a line of vertical poles just upstream of the culverts (illustrated in Figure 11). Another design that may be particularly suitable for the American Creek culverts at the M1 Princes Motorway is shown in Figure 12 and was taken from a recent publication on blockage of hydraulic structures published by Engineers Australia¹⁸. The principle of this structure is to deflect floating debris upwards before the entrance to the culverts. It also may assist to turn the debris to flow axially through the culvert.

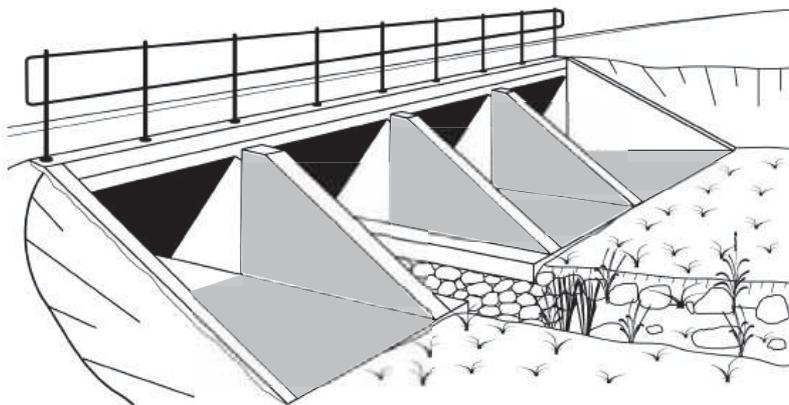


Figure 12: A possible design for debris control at the entrance to the culverts that take American Creek under the M1 Princes Motorway¹⁸

5.4 Minor re-contouring works to direct American Creek floodwaters to the “sag point” in the M1 Motorway

As mentioned in Section 3.4, there are existing pathways that take run-off water to the low-point (9.6 m AHD) in the M1 Princes Motorway to the south-east of Collegians Sports Centre. These pathways are illustrated in Figure 13 and could readily be enhanced by surveying followed by minor earth works. The route to the north connects to American Creek via the Cleverdon Drain, while the route to the south connects the existing retention basin to the “sag point” via an existing low area that is parallel to the Motorway.



Figure 13: Existing paths, proposed for enhancement, to the low area in the M1 Motorway

5.5 A 110 metre levee bank joining the Northview Estate to the M1 embankment

Figure 1 shows the area of flooding during the 1998 and 1999 events. This flooding would not have occurred if the contour of the Northview Estate continued east to the M1 embankment. It is therefore proposed that a simple compacted earth levee be constructed to prevent such incursions. This levee would be approximately 110 metres in length. Existing drainage from the area could be maintained with one-way flaps on pipe outlets. Emergency pumping of local run-off into American Creek during flooding events should also be considered but may not be necessary. A schematic of the levee is shown in Figure 14.



Figure 14: Location of the proposed 110 metre levee bank to protect nearby properties that flooded in 1998 and 1999

5.6 New Shallow-Lying Culverts under the M1 – “As good as a bridge”

As previously mentioned, the originally proposed solution to flooding caused by either inadequate capacity or blocking of the American Creek culverts under the M1 Princes Motorway, was to replace them with a bridge at an estimated cost of \$20 million in 2006¹⁰. The objective of this new proposal is to create similar hydraulic capacity at a lower cost by the installation of new culverts immediately under the surface (say 1 metre below) of the M1 Motorway. Key aspects are:

- Minimum amount of excavation
- Staged modular construction to minimise the disruption of traffic flow
- Shorter construction period
- Diagonal larger than 6.0 metres, say 5.5 m x 3.5 m, or 4.5 m x 4.5 m (H x W), minimising blockage concerns
- Only 4 or 5 such culverts would be required to match the hydraulic capacity of the current 8 culverts
- Located perhaps 150 – 200 metres north of the current culverts, such that they would discharge into the existing wide Byarong Creek canal downstream of the M1 on-ramp from Masters Road, i.e. downstream of all culverts
- Located on the downslope in the M1 northward toward the “sag point”, at an elevation of around 13 metres AHD, such that the bottom entrance to the new culverts would be around 6.0 or 6.5 metres AHD, i.e. they would become active just as the entrance to the existing culverts is covered by floodwaters at 6.6 metres AHD.

- Minor earthworks would connect the culverts to American Creek and the existing retention basin.

The proposal is illustrated in Figure 15.

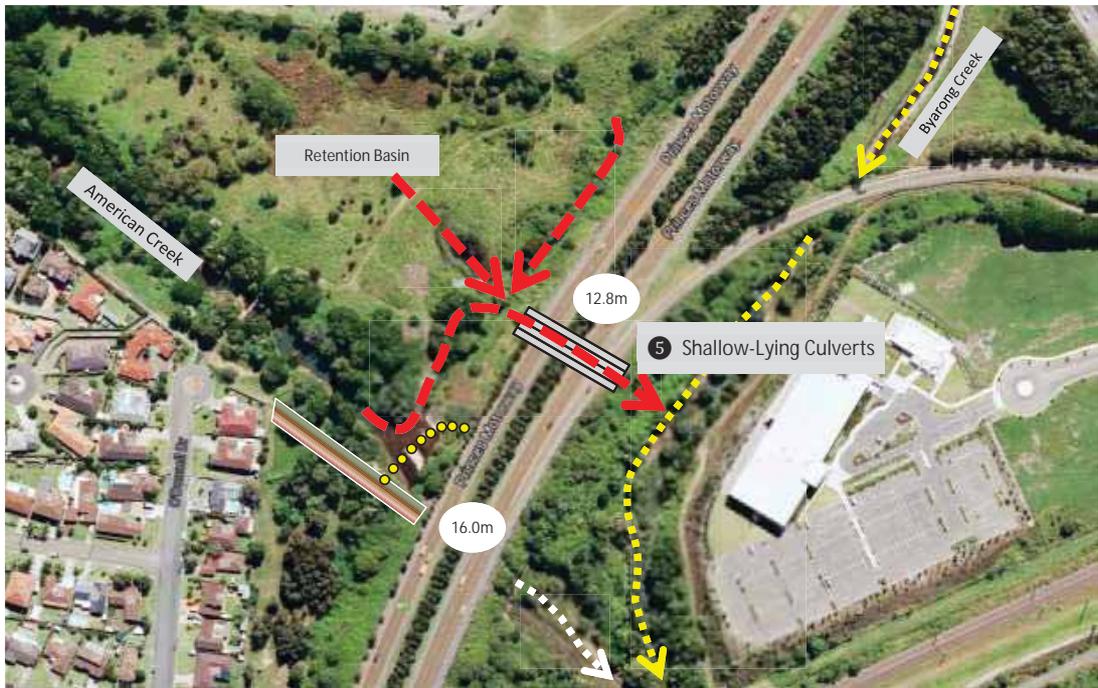


Figure 15: Location of the proposed shallow-lying culverts, approximately 150 – 200 metres north of the current culverts

6. CONCLUSIONS AND RECOMMENDATIONS

This submission has covered a number of topics related specifically to the flooding of American Creek immediately upstream of the eight culverts under the M1 Princes Motorway.

The strength of the work lies in its focussed reviews of a single key area of the Allans Creek floodplain, rather than taking a more global view of the catchment as a whole. This in-depth approach has led to a number of new insights. Key findings and conclusions of this submission are as follows:

- **Current adverse effects on residents**, particularly prohibitively high insurance costs, lower property values and barriers to property development (Section 1).
- **Lack of accord of recent flood modelling with the historical events** occurring since construction of the M1 Princes Motorway 41 years ago (Section 2). A major finding of this review was that the actual flood heights have always been significantly less than those modelled; in fact by between 0.7 and 2.1 metres less. The differences were greatest for the more severe flooding events, where the modelled flooding was amplified by application of Council's 100% blockage policy.

Another key finding was that past floods have almost certainly included 1 in 20 year or more severe events. These have been modelled to flood the Northview Estate, and since such flooding has not occurred, the modelling at our location has been demonstrated to be flawed.

- **Scientific Concerns** regarding the several aspects of the flood modelling, but particularly its poor **calibration accuracy** at this key location (Section 3). It was found that the calibrated model overestimated flood heights by 1.0 metre on average, independent of culvert blockage. This overestimation would almost certainly flow on to invalidly increase all modelled flood levels by a similar amount, and the predictions for the more severe events would be further inflated by application of the 100% blockage rule.

This conclusion supports the finding above that it was not possible to reconcile the flood modelling with the historical flooding events. In fact, there is good **quantitative agreement** between these independent findings. This means that that the most recent flood modelling (2008²) and the currently published flood maps have almost certainly overestimated flood heights for our area by 1 to 2 metres for all modelled scenarios, with the greatest overestimation being for cases where 100% culvert blockage has been invoked. This overestimation is material because it has raised the proclaimed flooding risks for the Northview Estate from **low** to **high** in most cases, with significant adverse effects for residents.

Another important finding was that the flooding studies lack discussion of the accuracy or uncertainty of the modelled flood heights, whereas the insurance companies and banks appear to accept them as being completely accurate.

- **The urgent need to update Council's conduit blockage policy** (Section 4), with the main objective being for the new policy to be ARI/AEP neutral, i.e. represent typical or average blockages, rather than being either optimistic or pessimistic (Section 4). It has been **proposed** that this work be completed by the end of 2015 (see Section 4.6).

The conclusions from the various parts of this submission clearly support refinement and updating of the flood modelling for our location, as well as the conduit blockage policy. However, the main concern for residents is to **identify and carry out the actions** that will reduce flooding risk and/or flood rating **as soon as possible**. In this regard, Section 5 of this submission contains proposals for **cost-effective engineering solutions**, such as:

- Construction of a **debris control structure** upstream of the culverts that take American Creek under the M1 Princes Motorway
- **Minor earthworks** to conduct more of American Creek's floodwaters over the "sag point" in the M1 Motorway
- Construction of a **110 metre levee** to protect nearby properties that flooded in during the two most severe events
- Construction of a set of **shallow-lying culverts** under the M1 to take American Creek floodwaters above 6 or 6.5 metres AHD.

Without access to flood modelling and other professional tools it is not possible to determine what action, or combination of actions, would yield the desired result that the **flood ratings** for the Northview Estate and nearby areas are reduced from **High** to **Low**. However, we wish to recommend that Council adopts the following **objective** for flood mitigation works in our area:

"To reduce the predicted 1 in 100 year flood of American Creek immediately upstream of the M1 Princes Motorway to be less than 9.5 metres AHD."

It is **recommended** that the proposals and recommendations above become the basis of an orderly **action plan** to achieve the objective. However, the findings in this submission regarding the 2008 flood modelling and current flooding maps of American Creek at the M1 culverts make a strong case for an **interim ruling** for the Northview Estate. Briefly, the position is as follows:

- The flood modelling at this location could not be reconciled with historical flooding events (Section 2); always producing flood levels that are higher than actual.
- Model calibration was consistently poor at this location (Section 3), overestimating flood heights by around 1 metre (before application of the blockage policy), and providing a quantitative explanation for the inability to match historical flooding events.
- This close agreement of these independent findings means that it is almost certain that the current flooding risk assignments are too high for much of the Northview Estate and nearby areas.
- Since the high risk ratings have produced substantial adverse effects for residents since 2011-2012, there appears to be a strong argument for an **early intervention** by Council that would provide interim relief for residents during the period until the key issues are resolved.

An intervention that is consistent with the findings of this submission would be for Council to **suspend the flood ratings** derived from the 2008 study² for the Northview Estate and nearby residential areas, and replace them with lower ratings, either derived from the findings of this submission, or perhaps reverting to the flood mapping determined in the 1991 study⁸. This would restore the position held by owners when they purchased their properties (prior to

2006), at least until further studies and/or remedial works are completed. Please note that this proposal does *not* extend to other areas of the Allans Creek system as they have not been the subject of focussed study.

Finally, we respectfully request that Council responds to this submission as follows:

1. **Provides copies** to the council managers and other officers who are responsible for flood management.
2. **Seeks the views** of these officers regarding (a) the questions raised, (b) the arguments presented, and (c) the practicality of the proposed solutions.
3. Determines whether an **early intervention** could be taken, as an interim measure, to **suspend** and **replace** the proclaimed flooding risks in our area on the basis of the accumulated strong evidence that they are flawed.
4. Develops and implements an **action plan** to resolve the flooding issues in our area. This, along with the early intervention, will be the key to managing expectations and keeping faith with residents.
5. **Maintains timely involvement and effective communications** with the Northview Estate Flooding Residents Action Group throughout the remedial process.

■

About the Author

John Mathieson, BSc (Hons), PhD, DipEd (Tert), CChem, spent a decade as a university researcher and teacher in Australia and Canada before joining BHP as an industrial research scientist in 1977. Following periods of both laboratory-based R&D, and technology management at Newcastle Steelworks and New Zealand Steel, he spent 15 years as a research manager for BHP Billiton (minerals processing, corporate programs, pyrometallurgy) and for BlueScope Steel as Manager Iron and Steelmaking Research. He retired in 2012, but remains active as a Visiting Scientist at CSIRO Minerals Resources and as a peer-review referee for several international scientific journals and the Australian Research Council. Although a physical chemist by training, John worked in teams with chemical, mechanical, electrical and metallurgical engineers for most of his working life. He has been an extensive user of detailed process mathematical models and techno-economic models. He has also led many model development projects in conventional blast furnace ironmaking and alternative ironmaking.

Northview Estate Flooding Residents Action Group

E-mail: NEFRAG@outlook.com



Drains not cause of floods: residents

By BEN LANGFORD Aug. 28, 2015, 8:28 p.m.

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Horticulturist Jannine Vincent says the council needs "to get real" about the problem. Picture: KIRK GILMOUR

Thirroul residents have been left shaking their heads after the flash flooding earlier this week showed how much flood mitigation work still needs to be done in the city.

Questions are also being asked about Wollongong City Council's flood studies, with many "high risk" areas not touched by Monday night's floodwaters, while areas mapped as getting only 15 centimetres of water were badly damaged.

Some of these places on Lachlan Street have been flooded many times since 1998.

Meanwhile, properties further downstream, which have been mapped as being under one or two metres of water in a serious flood, escaped without any flooding at all.

News Business

All flash floods are different, but some residents are wondering why the council's focus is on drain blockage studies, which take years, rather than more effective flood-mitigation works.

Some residents have been arguing for years that drains becoming completely blocked are not the problem most likely to cause flood troubles in Wollongong.

Instead, they say the creek system that Wollongong relies on to drain floodwaters is too often overgrown, clogged or being forced to follow an unnatural path.

For its part, Wollongong City Council pointed out that it had done flood mitigation works on the Lachlan Street culvert, works that involved widening the space underneath it to help prevent it becoming blocked.

The council's position is that creeks classed as being private property are not its problem.

Jannine Vincent's Lachlan Street house has flooded many times in the heavy rains brought by east coast lows - this time around, she watched garden furniture floating past her in waist-deep water.

"This is the third time that we've had a river come through the backyard," she said.

But the latest review of the council's Hewitts Creek flood study, prepared by consultants and finalised this month, has her property copping only a few centimetres of water in a massive 100-year flood.

"They say we're doing studies, but it will take years ... but nothing ever happens," Ms Vincent said.

"I think they actually need to get real ... and listen to what the landowners are saying."

Her property is beside a sharp bend where the narrow Hewitts Creek has been forced into an unnatural path, and when the water rises, it simply eases over the bank.

The council's manager of infrastructure strategy and planning, Mike Dowd, said the council had been active in flood mitigation works near Lachlan Street.

"Council has recently completed a number of flood mitigation works, including works on the Lachlan Street culvert," he said.

News Business

"These works were designed to increase the hydraulic capacity of the culvert under Lachlan Street.

"Council's floodplain management role is to identify flooding risks, mitigate and manage those risks, however, council's role is limited as we cannot undertake work on private property."

This is little comfort to Barb Hunt, who lives in Lawrence Hargrave Drive.

She has a swimming pool the colour of mud caused not by blockage from the railway bridge, as flood maps predict, but water flowing east from the road.

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WOLLONGONG CITY COUNCIL

REVIEW OF CONDUIT BLOCKAGE POLICY

1. Introduction

The Wollongong local government area is located in the Illawarra South Coast Region and extends from Helensburgh in the north to the Macquarie Rivulet in the south. The area is characterised by the Illawarra Escarpment in conjunction with a flat coastal floodplain. Wollongong City Council would like to commission a suitably qualified and experienced consultant to review its existing Conduit Blockage Policy.

2. Background

General

The Illawarra Escarpment forms part of the Illawarra ranges. It is characterised by steep cliffs 200-300m high approximately 10km from the coast. The peak of the ranges is approximately 500 m high behind Wollongong. The steep rise in elevation combined with the proximity to the coast generates unique localised meteorological effects. The orographic lifting of moist air masses generates intense rainfall bursts at the base of the escarpment that result in flash flooding of the catchment. This rainfall mechanism and nature of development is the major cause of flooding throughout the LGA.

The northern area of the LGA is characterised by steep upper slopes with little development and a floodplain with a mix of residential, commercial and industrial development. Whilst in the southern area, the Illawarra escarpment retreats inland and provides a broader floodplain with steep upper catchments

Over the past decades, the region has experienced significant flood events including those in April 1943, February 1954, March 1975, March 1978, March 1983, October 1983, February 1984, June 1991, August 1998 and October 1999. With minor localised flooding occurring throughout the LGA in February 2011, March 2012 and March 2014.

The rainfall characteristics of the Illawarra Escarpment, the steep channels, the nature and location of urban development and the blockage of critical structures during high discharge events exacerbate the flooding in the region.

Vegetation & Sedimentation

Natural vegetation communities and structure are largely intact in the upper catchment with the lower original coastal plain vegetation communities having been removed from the floodplain

These remaining vegetation communities in conjunction with the steepness and geomorphic processes associated with the escarpment present a natural debris source primarily of vegetation and fluvial sediment loads during heavy rainfall. These fluvial loads are primarily sourced for incised escarpment streams which become active when natural stream stability thresholds are exceeded. This debris has been observed to be transported into the urban stream and floodplains blocking structures at critical locations.

Catchment Obstructions and Anomalies

From previously undertaken flood studies and floodplain risk management studies it has become apparent that built landform features such as the Illawarra Railway Line and the Roads and Maritime Services freeways and Princes Highway which generally traverse north-south provide physical divides between the upper and lower section of most LGA catchments which generally flow east west. This physically divides the catchments into an east and west segments.

In many cases these features can constrict upper catchment runoff causing flow attenuation which then drains via culverts and channels into the lower catchment and ocean. In association with this flow attenuation, in some catchments these structures create overland flow diversions between catchment tributaries and in some cases inter-catchment flows.

These anomalies are further complicated with the northern suburbs catchments, located north of Thirroul having stormwater networks that collect stormwater within one catchment and distribute/divert to adjacent catchments.

Council notes that application of the current blockage policy has enabled good calibration of flood models with observed flood behaviour in many locations.

Rainfall Patterns

The orographic nature of the rainfall leads to highly variable localised rainfall throughout the catchments. In the lower reaches of the catchments, the rainfall intensities are generally far lower than those recorded on the escarpment. This leads to differing flood mechanisms, and flood peak timing throughout the catchment. Creeks in the upper reaches of the catchment generally have a shorter critical duration (30 minutes to 2 hours), due to the high intensity bursts experienced as a result of the orographic effect, whereas the lower reaches have longer critical storm duration in the order of six hours. This difference in critical storm duration is due to the greater catchment area contributing flows and the complex routing of the escarpment rainfall to the lower reaches.

Development Patterns within the Wollongong LGA

Whilst most of the Wollongong LGA catchments are predominantly urbanised, the northern catchments due to their close proximity to the ocean and the escarpment exhibit development on the lower catchment areas only.

This development is similar to the catchments located between Hewitts Creek in the north and Allans Creek in the south, with significant development of the coastal floodplain having taken place. Most of these areas were developed without due consideration to flooding and in many cases properties are located within the floodplain and close to steep areas with fast moving floodwaters. Within the LGA over 60% of the creeks are privately owned, which creates issues associated with development close to streams as well as being able to manage natural watercourses from a total catchment management perspective.

West Dapto is one of the largest urban release areas in NSW. It will grow and develop as a series of integrated communities and when complete, will include approximately 19,000 new dwellings, 50,000 people and create around 8,500 jobs. Approximately \$700 million of infrastructure will be required to support this growth in a sustainable manner to address a wide

range of issues including flooding, transport, social, cultural and recreation needs and facilities and open space.

Council's flood risk management strategy in West Dapto is to minimise encroachment of new development into the floodplain and constructing infrastructure to suitably take into account the floodplain and its hazards.

The revised blockage policy will need to assist with the floodplain management of existing flood affected communities and to facilitate best practice in the future developed areas, such as West Dapto.

Current Conduit Blockage Policy

Council's current blockage policy was first adopted by Council in 2002 following the floods in 1998 and 1999. These floods resulted in consequences larger than expected in many locations due to the number of culverts that blocked due to flood borne debris as well as associated flow diversions. The blockage policy was derived from an analysis of the blockage that occurred during these floods and was based on a series of papers presented at conferences which examined the data obtained from the 1998 flood. When adopted in 2002, Council's blockage policy was the first comprehensive blockage policy in Australia.

The current blockage policy is contained in Council's DCP 2009, Chapter E14 - Stormwater Management, Section 10.3.2 Conduit Blockage, and is presented in **Attachment 1**.

This blockage policy has been applied to all Floodplain Risk Management Studies and Plans prepared by Council in accordance with the Floodplain Development Manual following the 1998 floods. The policy has enabled flood model calibration against observed flood behaviour in many locations including elevated flood levels upstream of culverts and flood flow diversions.

Australian Rainfall and Runoff (AR&R) prepared by *Engineers Australia*, is the main technical document used by the industry for undertaking flood estimation. Engineers Australia is currently reviewing several sections the 1987 version of Australian Rainfall and Runoff Manual and updating this version with the inclusion of new elements. One project element that is being examined is blockage, and is known as Project 11.

There are several reports and draft papers that have been produced as part of Project 11, the most recent being Blockage Guidelines in February 2015. An electronic copy of the Project 11 Blockage Guidelines is available at the following web address: http://www.arr.org.au/wp-content/uploads/Blockage_guidelines_February-2015.pdf

Since Council's formulation of the Conduit Blockage Policy in 2002, some engineering consultants, as well as residents of Wollongong and floodplain action groups have expressed concern of the perceived harshness of the policy and its interpretation. This is primarily due to the blockage policy's effect on flood planning levels and associated restrictions on development, as well as implications to flood insurance premiums in some locations. The policy however has enabled good calibration of flood models based on peak flood level data collected following the 1998 floods.

Council's blockage policy is applied catchment wide to the designated design flood (1 in 100 year ARI flood) and in many cases this application has been criticised as having an effect for designing

for a perceived greater risk event or higher event than the 1 in 100 year ARI flood, without an assessment of whether it is appropriate to manage floodplain risk. The policy is also applied for floods greater and lesser than the 1%AEP event however there is some conjecture over the most suitable event to initiate the policy as overland flow paths and flow events exceeding stability thresholds is variable throughout the LGA and across catchments.

Accordingly, given the above, Council wishes to review the current blockage policy, taking into account Council's blockage data, council's extensive suite of flood models and associated flood studies and Floodplain Risk Management Plans and Australian Rainfall and Runoff Project 11 Blockage Guidelines. It is noted that the ARR Guidelines adopt a method of ARI neutrality based on limited data on probability, whereas Council's preferred approach is to manage flood risk based on observed flood behaviour (evidence) likelihood and consequence (i.e. a risk management approach).

3. Objective

The objective of this consultancy is to provide a recommendation for a reviewed Conduit Blockage Policy and/or a framework of Conduit Blockage Policy review, on a catchment by catchment basis for any new flood study or floodplain risk management study and plan.

Wollongong City Council requires that an assessment of AR&R Project 11 Blockage Guidelines be undertaken in determining whether Council's current blockage policy requires revision. It is prudent to undertake an independent review of the policy to ensure it provides the best possible policy position for the City.

It is anticipated that the outcomes of the review will:

- Either validate the existing policy or provide a revised blockage policy, by considering advancements in floodplain management techniques, particularly risk management,
- Improve industry and community understanding of the reviewed blockage policy, and
- Quantify and qualify the impact of applying the reviewed Conduit Blockage Policy to existing flood levels and determine the associated risk associated with its application.

4. Methodology/Process

The following items will be considered in undertaking the review and development of a revised blockage policy.

4.1 Review of existing policy and associated data used to formulate this policy

This item will consider the data and publications used to formulate the current policy, application of the policy for strategic catchment based flood models and provide a brief report on:-

- The validity of the original data used, and the use of this data to potentially revise the current policy

- The validity of the underlying justification used to formulate the current blockage factors of 25% and 100% blockage for culverts greater than and less than 6m diagonal respectively for all flood events.
- In order to quantify the impact of applying the Conduit Blockage Policy (i.e. 25% and 100% blockage) determine the risk associated with this impact by the use of an existing calibrated model as a 'test' using a suitable suite of culverts and its associated blockage data to assess the impacts of differing blockage methodologies for the 5% 2%, 1%, 0.5%, PMF. It is anticipated that this item may be satisfied with the suitable probabilistic determination matrix method.
- Possible amendments to the policy to reflect the use of advancements in floodplain management, for example the use of debris control structures, aspect ratio of culvert dimensions, multi cell versus single culverts, and planning instruments, and the possible need to alter blockage percentages based on the decision/application i.e. flood planning levels, design of small structures, evacuation serviceability etc.

4.2 Review of the existing policy in the context of the AR&R Project 11

This item will consider the information presented in the AR&R Project 11, specifically:-

- Review and comment on the data on all culverts with respect to the existing WCC Conduit Blockage Policy to that of ARR – Project 11. A table (see 6. Current Data Section – Item: Blockage Data Sheet) has been provided with Council's culverts assessed under Council's Culvert Blockage Policy and the method presented in ARR Project 11.
- Comparison of results from the existing policy and that of ARR – Project 11 where apparent.
- Recommend the inclusion/exclusion of the viability of incorporating the ARR Project 11 proposed methodology into Council's existing Policy.

In doing so the following factors will be discussed:-

- Consideration of the slope factor of 3% since and how it affects conduit blockage, since most of Wollongong City Council catchments exceed this slope value, particularly within the upper reaches of most catchments.
- Similarly to the slope steepness factor, key factors assessing blockage is the variable L_{10} . The sensitivity of this variable should be undertaken and analysed in the context of Council's debris blockage data and flood study calibration.
- Council's current policy does not include the guidelines for deposition of sediment. Consideration of sediment deposition with a revised guideline should be considered, outlining its suitability/justification for its inclusion or exclusion within the review.
- Consideration of whether both debris and sedimentation blockage should be incorporated cumulatively for the one culvert.
- Consideration of what design events blockage should be applied to and for what application e.g. strategic flood risk planning for existing and future risk, development applications, minor culverts, major bridges, emergency access roads etc.....

4.3 Other considerations and implications

Council as part of its functions as a planning authority is required to permit development under development consent conditions within the floodplains of its local government area, in accordance with the NSW State Government's Flood Prone Lands Policy as defined within the NSW State Government's Floodplain Development Manual.

On several occasions, Council has been challenged by individuals, companies, corporations and the like in the NSW Land and Environment Court on its use of the Flood Prone Lands Policy, its interpretation of the Floodplain Development Manual and more recently the use of Council's 2002 Conduit Blockage Policy. Expert technical witnesses from both Council and the opposing party have outlined the benefits and negatives respectively of the use of the blockage policy with respect to planning development controls.

As a result of these appeals, (i.e. The Percy & Anor v Wollongong City Council [2014] NSWLEC 1102 Land and Environment Court Appeal) the policy review needs to ensure that the concepts outlined in the Judgement are considered so that any new blockage policy has the maximum chance of success in any Land and Environment Court Appeal. A link to the court papers and judgement is available here:

<http://www.caselaw.nsw.gov.au/decision/54a63da73004de94513dbea4>

4.4 Development and implementation of the revised policy

Based upon the review/outcomes of the above sections of the Methodology/Process, Council will be provided with either: -

- Documentation to support the existing policy with no changes, or
- A revised policy and implementation strategy for rollout of this policy.

Should a revised policy be recommended, the consultant is to recommend the best method of its implementation across the Wollongong LGA and its integration with the Wollongong DCP 2009, and existing catchment Flood Studies and Floodplain Risk Management Studies & Plans, or its incorporation into currently programmed reviews of these studies.

The consultant will consider the following when formulating the reviewed policy and its integration: -

- The use of a Wollongong City Council LGA common policy that applies across all catchments. In other words a one policy fits all, or
- The use of an individually tailored blockage policy for each catchment and its application, noting such effects as culvert location, surrounding terrain and land use.
- A blockage policy for new planning precincts such as West Dapto, whilst also managing the existing flood affected communities.

Should the conclusion/recommendation be that the policy should be altered, the above alternatives should be investigated and each of their advantages and disadvantages be considered and tabulated.

5. Information Available to the Consultant

Council's Current Conduit Blockage Policy is significantly based upon data collected as a result of the 17 August 1998 storm. Severe rainfall from the storm caused flash flooding with extensive damage to property. Some 1000 houses were estimated to have experienced above floor flooding with one fatality resulting.

As a result of the extensive damage Wollongong City Council undertook an extensive data collection program for the August 1998 event. Data is represented in the following articles:

- Department of Land & water Conservation, Sydney/South Coast Region & Wollongong City Council – 17 August 1998 Storm in Wollongong Flood Data Report, May 2002
- Compendium of Rainfall Data for Storm Event of 17th August 1998 in Northern Suburbs of Wollongong for Wollongong City Council, February 1999, Forbes Rigby Pty Ltd
- AUGUST 1998 WOLLONGONG STORMS, 23rd February 1999, Wollongong University, Wollongong, Institution of Engineers, Australia, Sydney Division Water Engineering Panel
- WOLLONGONG FLOOD SUMMARY, 15 -19 August, 1998, Department of Public Works and Services, Manly Hydraulics Laboratory, August 1998
- Flood and Damage Photos
- Blockage Data Sheet
- THE IMPACT OF BLOCKAGES ON FLOOD BEHAVIOUR IN THE WOLLONGONG STORM OF AUGUST 1998 by E. H. Rigby, BE, MEngSc., FIEAust, Director, Forbes Rigby Pty Ltd, Wollongong and P. Silveri, BE, MIEAust, Senior Design Engineer, Wollongong City Council presented at the New South Wales 42nd Flood Plain Management Authorities Conference, Kempsey
- Causes and Effects of Culvert Blockage During Large Storms by E.H. Rigby, Principal, Forbes Rigby Consultants, M.J. Boyd, Faculty of Engineering, University of Wollongong, S. Roso, Design Engineer, Forbes Rigby Consultants, P. Silveri, Senior Design Engineer, Wollongong City Council, and A. Davis, Engineer, Wollongong City Council
- Calibration data and assumptions for each different Flood Study and Floodplain Risk Management Study and Plan for each catchment within the LGA. Catchments include Hewitts Creek, Collins Creek, Towardgi Creek, Fairy and Cabbage Tree Creeks, Wollongong City, Minnegang Creek, Allans Creek, Mullet Creek and its extension, Brooks Creek and Duck Creeks

6. Communication Strategy

Due to the complexity and the potential consequences of the changes to the blockage policy, Council will develop a communication strategy and provide information in relation to the blockage policy review suitable to present to the Wollongong City Councillors, Council Executives, Floodplain Risk Management Committee members, the development industry and ultimately residents and property owners of the LGA.

- The current blockage policy is contained in Wollongong DCP 2009. The proposed communication plan is to place the revised draft blockage policy on public exhibition as per the normal statutory DCP modification process.
- If significant changes to the policy are proposed as an outcome of the review process then it is required to workshop with the industry to ensure the revised policy is easy to use and understand. It will also be a requirement to engage with the development industry after a preliminary draft of the blockage policy is completed to ensure ease of use.
- The public will be kept updated on the progress of the blockage review including advice on who is undertaking the review through media releases, however, will not be specifically consulted until the completion of the draft policy as it is a technical review. The Floodplain Management Committees will also be provided an opportunity to review the draft prior to it being placed on public exhibition.
- There will be public consultation undertaken during any review of any flood study or floodplain risk management study and plan. It is only at this time that the consequences of any change to a blockage policy can be calculated.

As part of the communication strategy the consultant will undertake elements of the overall community communication strategy. These items are outlined in 'Section 7 Deliverables - Preparation of Communication Strategy items'.

7. Deliverables

Reporting

A draft and final report is to be produced for presentation to the project team and relevant stakeholders for discussion and comment. The draft and final report shall comprehensively document the background to the project, data used, and assessments undertaken in sufficient detail to support the conclusions reached and recommended outcomes.

Both reports shall address the objectives and scope of the Brief, state all assumptions made, document all analyses undertaken and justification for any outcomes or recommendations made. All relevant figures, tables, and attachments shall be included in the report.

Both reports are to address the subsection items outlined in Section 4 Methodology of this brief.

The following items are required to be addressed within the draft and final reports: -

- Documentation supporting Wollongong City Council's unchanged 2002 Conduit Blockage policy, or
- A revised Draft Conduit Blockage Policy Guideline suitable to replace the existing Council's 2002 policy.

- The guideline should be:-
 - Easy to use and understand by the Development Industry, Planning Authorities and Council
 - A robust policy that can be defended against public criticism
 - A robust policy that can be defended in the Land and Environment Court
 - Suitable to be adopted into Council's Wollongong DCP 2009
 - Be accompanied with a suitable implementation plan for its incorporation into Council's current flood and floodplain Risk Management studies.

Upon completion of the work in accordance with the requirements of this Brief, the Consultant shall submit for review the following:

- Three hard copies and one electronic copy (on CD) of the Draft and Final Reports will be required. The exact format of all electronic files shall be discussed with Wollongong City Council prior to their delivery.
- The final submission will comprise a Final Report which would represent an update to the Draft Report to incorporate feedback from the review process, and a complete set of any other data and deliverables associated with the project.
- All final documents prepared by the Consultant must be signed by the Consultant's Project Director, as nominated in the proposal, to certify that they have been prepared by competent professional staff, checked for accuracy and comply with relevant regulations and the requirements of the Brief.
- The final documents will require the approval of Council and shall not be printed without written consent from Council.
- The cost of all work associated with preparing the approved final documents shall be included in the Consultant's fee.
- In addition to the above deliverables, a brief progress report shall be provided on a weekly basis (email sufficient) to keep Council's representative updated on the progress of the work.
- Monthly claims and supporting evidence showing progress/status

Preparation of Communication Strategy items

Council require the consultants to prepare or undertake the following:

- A presentation on the finding of the review of the blockage policy, suitable for all stakeholders.
- Attend and present to Floodplain Risk Management Committees
- Present to Executive and Councillor Briefings
- Facilitate an Industry workshop to review the draft report and comment
- A technical explanation of blockage policy paper suitable to be presented to a significant conference on floodplain management and the stormwater industry (i.e. May 2016 FMA Conference, Australian Hydrology Conference November 2016, Stormwater Industry Conference 2016)
- Provide a priority listing for subsequent Flood Study and Floodplain Risk Management studies as part of the review for implementing the revised blockage policy into the LGA catchments.

8. Study Deadlines / Key Milestones

The contract items will be delivered to the following deadline and key milestones.

	Item	Time Line
0	Study Commencement	13 July 2015
1	Preliminary Draft Report to Council Officers	4 September 2015
2	Workshops with Industry / Floodplain Management Committees	9 – 20 November 2015
3	Final Draft Report	24 December 2015
4	Exhibition of Wollongong DCP 2009 Amendments	1-28 February 2016
5	Finalisation of Consultancy	31 March 2016

Table: Showing proposed study deadlines and key milestones

9. Supporting Information

9.1 Council Project Delivery Group

The following Council Officers form part of the Delivery Group.

- Project Director Mike Dowd – Manager Infrastructure Strategy & Planning
- Project Manager Peter Nunn – Transport & Stormwater Services Manager
- Project Team Peter Garland, Robert Dinero - Floodplain Planning
 Sasho Srbinovski - Development Assessment
 Jodie Healy - Community Engagement

9.2 Stakeholders

The target audience and stakeholders are listed below and the deliverables required to address these stakeholders are outlined in the 'Preparation of Communication Strategy items'. Stakeholders consist of both internal and external clients.

- ISP Division – Flood Planning
- ESP Division – Land Use Planning
- DAC Division – Development Assessment
- Councillors
- Media
- Property owners
- OEH – flood staff
- SES
- Department of Planning & Environment
- Development industry
- Floodplain management specialists, stormwater and floodplain development engineers

9.3 Criteria for assessment of quotations

The following criteria will be used to assess each consultancy's tender:

- The quality of the consultant's team in terms of demonstrated experience and skills in this field. The structure of the proposed team (including any sub-consultants), together with the

roles/responsibilities and curriculum vitae of team members indicating experience in similar or related work.

- Demonstrated company experience and satisfactory performance in undertaking similar or related projects.
- Proposed methodology and demonstrated level of understanding of what is required to produce a quality outcome, including details of key tasks.
- Quoted Price.
- Project Schedule demonstrating the Consultant's current capacity and resources to complete the work.

Mandatory:

- The ability to work with council in a professional and confidential manner.
- The ability to satisfy council that there is or has been no conflict of interest, such as the consultant representing developers and disputing council's existing blockage policy in conjunction with a development, and/or a declaration of pecuniary interests within the Wollongong LGA.

9.4 Information to be submitted in proposal

The Consultant's proposal shall include the following information:

- An itemised schedule with a break up of tasks and fees.
- Understanding of the requirements of the Brief and proposed methodology to undertake the scope of works
- Details of any additional data collection required for the proposal
- Details of the experience and ability to perform the required work
- Structure of the proposed study team (including sub-consultants), together with roles and responsibilities of team members.
- Curriculum vitae of team members, including particular details of experience in similar projects
- A preliminary project schedule (bar chart) showing the timing, duration and completion dates for each of the project tasks. This shall include meetings, and periods for review of draft documentation. A detailed project schedule will subsequently be prepared once the successful consultant is appointed.

Attachment 1 – Current Blockage Policy

10.3.2 Conduit Blockage

1. General

- a) *Historical evidence indicates a high probability of blocking of structures located along watercourses during major flooding. Evidence indicates that the debris source is catchment wide.*

2. Blockage Criteria

- b) *Based on a detailed evaluation of flood behaviour during the major floods of 17 August 1998 and 24 October 1999 the following blockage factors are to be applied to structures across all watercourses when calculating design flood levels*
- i. *100% blockage for structures with a major diagonal opening width of <6m.*
 - ii. *25% bottom up blockage for structures with a major diagonal opening width of >6m. For bridge structures involving piers or bracing, the major diagonal length is defined as the clear diagonal opening between piers/bracing, not the width of the channel at the cross-section.*
 - iii. *100% blockage for handrails over structures covered in (i) and for structures covered in (ii) when overtopping occurs.*

3. Cross Catchment Flow Diversion Investigation.

- a) *Flood Water Surface Profiles are to be developed upstream from each control structure to which blockage factors are applied. These profiles are to extend until the normal non-blocked profile is reached (i.e. afflux due to blockage is reduced to 0mm). Expected cross-catchment diversion flowpaths as a result of the afflux associated with blockage are to be identified. Where this is an issue, appropriate survey information at the structure and along the top of both banks will be required and is to be plotted against the computed Flood Water Surface Profiles until the afflux effect diminishes to zero.*
- b) *Where flow diversions are identified, account shall be taken of the future potential for installing measures to prevent the flow diversion occurring. (That is, a flood mitigation device may be installed to manage the diversion). The impact of such a device on the proposed development shall be considered and appropriate measures included in the design of the development.*

4. Provision of Debris Control Structures

- a) *Historical evidence indicates debris loading in major flooding is catchment wide. Evidence also suggests the blockage occurs in a cascading fashion down the catchment. Therefore the appropriate blockage factor indicated above is to be applied unless a catchment wide program for debris control is part of an adopted Floodplain Management Plan and has been fully implemented.*
- b) *Provision of localised upstream control measures (trash racks, settling basins etc.) will not remove the blockage requirement for individual structures.*

5. Hydraulic Performance

- a) *Hydraulic performance defined using the blockage factors outlined in 10.3.2(b) is to be used to evaluate flood behaviour at individual sites. Tailwater effects on the site due to blocked structures or other downstream constraints are to be considered in flood level derivation. This applies to both levels associated with the immediate watercourse as well as potential overland flow diversions from adjacent watercourses.*

6. Design of New Structures

- a) *Design of new structures across watercourses is to be carried out in an iterative manner as indicated below:*
- i. *Design is to consider the impacts of downstream structures and other downstream constraints and the associated tailwater effects.*
 - ii. *Structure is to be sized using conventional (non-blocked) design criteria.*
 - iii. *Dependent upon the classification of the road, the structure is to be sized to convey the ARI event.*
 - iv. *The appropriate blockage factor outlined in 10.3.2(b) is to be applied.*
 - v. *Adjusted surface profiles upstream and downstream of the new structure as a result of the blockages are to be calculated. Profiles are to extend until the afflux due to the blockage and the new structure is exhausted;*
 - vi. *Longitudinal plots should be provided for existing and proposed conditions for both the blocked and unblocked cases.*
 - vii. *Flows in the 100 year ARI event, in excess of the stated blockage percentage are to overflow the structure in a defined flowpath ensuring that this is consistent with the pre-structure flowpath. A check is to be made on an extreme event of 3 times the peak of the 100 year ARI event to ensure the flowpaths for rarer events remain the same.*
 - viii. *Flood Hazard considerations need to be identified, planned and managed on all overland flowpaths.*
 - ix. *Design is to make provision for the movement of both terrestrial and aquatic fauna under the road.*
 - x. *Where the profile adjusted for blockage alters flow conditions such that:*
 - *Flood levels to existing or potential development areas are raised;*
 - *Additional overland flowpaths develop; and*
 - *Cross catchment diversions are created.*
- b) *Compensating measures are to be considered to be incorporated into the new structure design to ensure pre-structure conditions are not made worse.*
- c) *Compensatory measures which themselves will require a full assessment may include:*
- i. *Hydraulic measures to facilitate streamlined overtopping of the structure; stream re-entry points shall be determined and checked for adequacy against erosion. Erosion protection measures may be required;*
 - ii. *Additional hydraulic capacity of the total floodway upstream and downstream of the site (this option will need to be checked against Council's Riparian Corridor Management Study, DWE's Controlled Activity Approval and other state policy requirements);*

- iii. *Additional diagonal width of structure opening to minimise blockage potential; and*
 - iv. *Upstream levees to contain elevated flows.*
- e) *Because of the scale of the debris source, localised debris control structures will not be allowed to justify overriding of this clause.*
- f) *The appropriate blockage factor may be negated where a catchment wide program for debris control is part of an adopted Floodplain Management Plan and has been fully implemented.*

7. Applicability

- a) *Section 10.3 applies to all watercourses including creeks, floodway and other trunk drainage systems within the City of Wollongong with the exception of the minor system as defined in the Introduction to this chapter DCP. It does not apply to pit blockage. This consideration is set out in Section 7.2.*
- b) *It will be applied to all flood study models being developed under Council's floodplain management program.*
- c) *It is to be applied to all localised flood studies to support individual development proposals.*



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

BACKGROUND

Council supports and administers many advisory committees and reference groups. In addition to these, Councillors are represented on numerous external committees and organisations.

This policy has been developed in order to set out the way in which Councillors are considered as delegates and elected to these many Council Committees, Working Parties, Reference Groups, External Organisations and the like (herein referred to as 'Committees').

OBJECTIVE

The main objective of this policy is to document the method of appointing Councillors to Committees where voting is by an 'open voting' method, for example, a show of hands in accordance with Section 251(5) of the Local Government Regulation.

POLICY STATEMENT

This policy aims to guide Councillors and staff in the process of the conduct of election of councillor delegates to Committees.

POLICY REVIEW SCHEDULE

This policy should be reviewed and adopted within 18 months of the election of a new Council.

STATEMENT OF PROCEDURES

Appointments

Councillors are only to be appointed to Committees by a Resolution of Council.

Number of Councillors to be Appointed

The number of Councillors to be appointed to a Committee is subject to each Committee's Charter or Terms of Reference.

Term of Appointment

Councillors are appointed annually unless otherwise determined by Resolution of Council. For example, some appointments may be for the Term of the Council, until the end of a specific project or for a longer or shorter period as required or determined by Council. No term of appointment may exceed a term of Council.

The election for Councillor Delegates to Committees is to be conducted following the annual election of the Deputy Lord Mayor, generally the first Council meeting of September.

Nominations

Councillors will have opportunity to nominate prior to the Council meeting where elections are scheduled to be held, with their nominations included in the business paper and from the floor of Council.

Councillors do not require a 'proposer' to nominate for a position on a Committee.

Councillors do not need to be present at the Council meeting where the annual election of Councillor Delegates to Committees is held in order to be elected, however they should ensure their nomination is received by the General Manager or Lord Mayor prior to the commencement of the Council meeting.

Alternate Delegates

Where a Committee requests an 'Alternate Delegate' to be elected, elections will be conducted following the election of the 'Delegates'. Alternates do not have voting rights on a Committee unless they attend as the Delegate. They may attend Committee meetings as an observer only.

Councillor Delegates are responsible for advising an Alternate Delegate if they are unavailable for a Committee meeting and request the Alternate to attend on behalf of Council.

Method of Election

Elections are to be conducted by open means, on a show of hands. The Chairperson does not have a casting vote in an election. The following process will be followed:

- 1 The Chairperson will read out the received nominations (candidates) and call for any further nominations.
- 2 The Chairperson will ask if any candidates wish to withdraw.
NOTE: Candidates may not withdraw from the election process past this point.

Number of Candidates is equal to or less than the number of available positions.

The candidates will be declared ELECTED.

Number of candidates is greater than the number of available positions.

- ⇒ The Chairperson will advise Councillors of the names of the candidates.
- ⇒ Councillors will be invited to vote for one candidate only.

Choosing by Lot

The names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer.

The candidate whose name is on the drawn slip is either ELECTED or EXCLUDED depending on the purpose for which the LOT is drawn, as described in this Policy.

One Councillor to be Elected

This process is the same as that employed when electing the Deputy Lord Mayor, in accordance with the provisions of the *Local Government Regulation 2005*.

Two Candidates

- ⇒ The candidate with the highest number of votes is declared ELECTED.
- ⇒ Where the two candidates have an equal number of votes, the candidate chosen by LOT is ELECTED.

More than Two Candidates

- ⇒ The candidate with the absolute majority (ie 50% + 1) of votes is declared ELECTED.
- ⇒ In the event that no candidate has an absolute majority, the process followed is:
 - ❖ The candidate with the lowest number of votes is EXCLUDED.
 - ❖ Where two or more candidates have an equal lowest number of votes the candidate drawn by LOT is EXCLUDED.
 - ❖ The voting process involving the remaining candidates is repeated until only two candidates remain and the candidate with the highest number of votes is elected.

More than One Councillor to be Elected

One More Candidate than Available Positions

- ⇒ The candidate with the lowest number of votes is EXCLUDED and the remaining candidates are declared ELECTED.
- ⇒ In the event that there are two or more candidates with an equal lowest number of votes, the candidate chosen by LOT is EXCLUDED and the remaining candidates are declared ELECTED.

Two or More Candidates than Available Positions

- ⇒ Where the number of candidates with an equal-highest number of votes is equivalent to the number of vacancies, those candidates are declared ELECTED, otherwise the process followed is:
 - ❖ The candidate with the lowest number of votes is EXCLUDED.
 - ❖ Where there are two or more candidates with an equal lowest number of votes, the candidate chosen by LOT is EXCLUDED.
 - ❖ This procedure is repeated until the number of candidates remaining is equal to the number of vacancies and those candidates are declared ELECTED.

Chairperson

Where the Committee Charter requires a Councillor to be elected as Chairperson, elections will be conducted by open means on a show of hands, choosing from the elected Councillor Delegates to that Committee.

Removal or Suspension of a Councillor from a Committee

The removal or suspension of a Councillor from a Committee where there has been an adverse finding against that Councillor by an appropriate investigative body (eg Office of Local Government, NSW Ombudsman, NSW Civil and Administrative Tribunal or the Independent Commission Against Corruption) and/or a breach of Council's Codes of Conduct, following a Code of Conduct Investigation, requires a Resolution of Council.

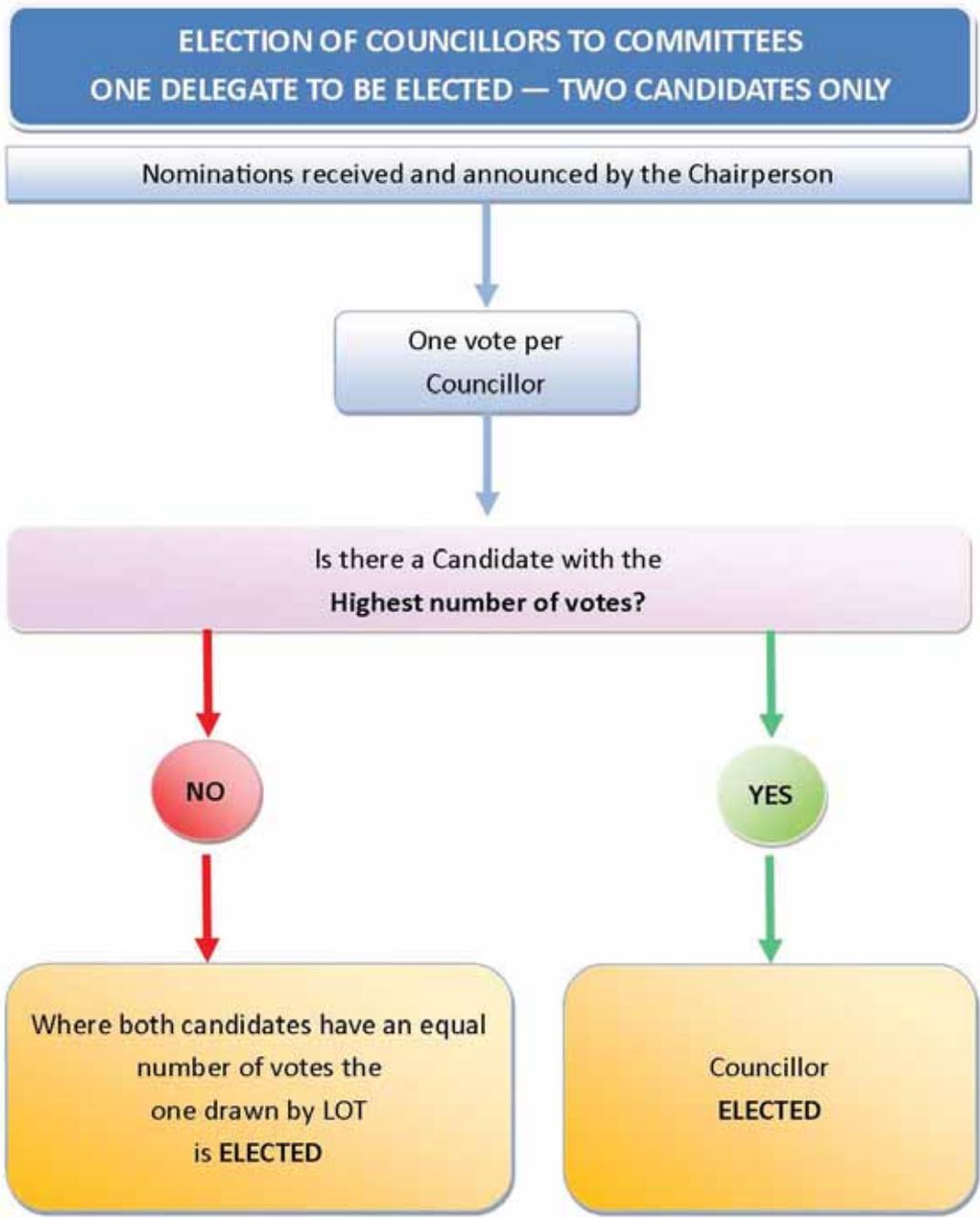
Removal or suspension from a Committee by Resolution of Council does not prevent a Councillor nominating for that same Committee or any other Committee at the next election of Councillor Delegates to Committees, where a vacancy exists and any suspension period has lapsed.

Formal removal or suspension of a member, for example by Order of the NSW Civil and Administrative Tribunal (NCAT) or the Office of Local Government, is not subject to the approval of Council.

Where a vacancy occurs due to removal or suspension of a Councillor, Council may seek nominations to fill the vacancy either until the next election of Councillor Delegates to that Committee or temporarily in the case of a suspension where the period of suspension lapses prior to the next scheduled election of Delegates.

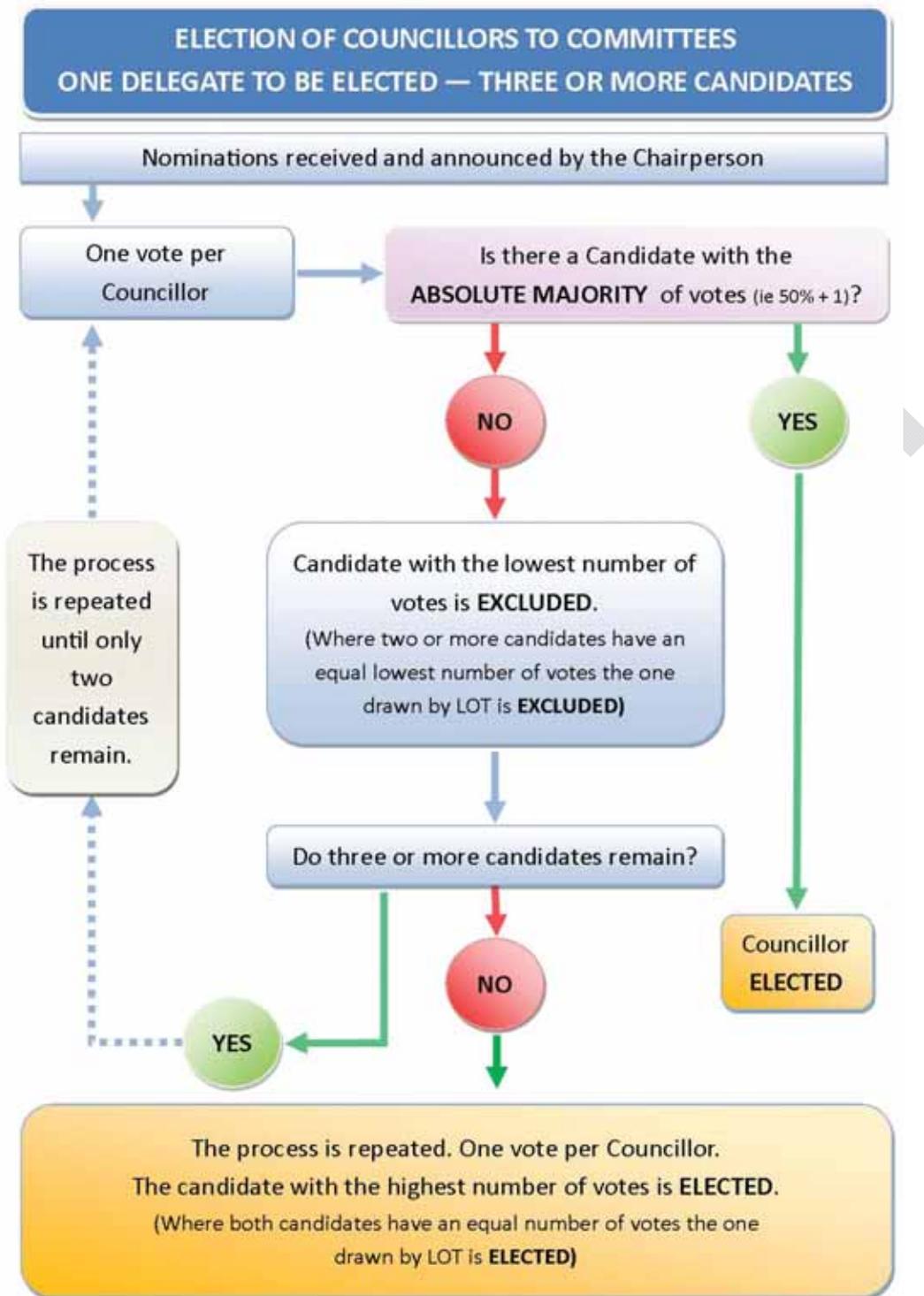
Attachment 1

Flow Chart – Election of Councillors to Committees – One Delegate to be elected (2 candidates only)



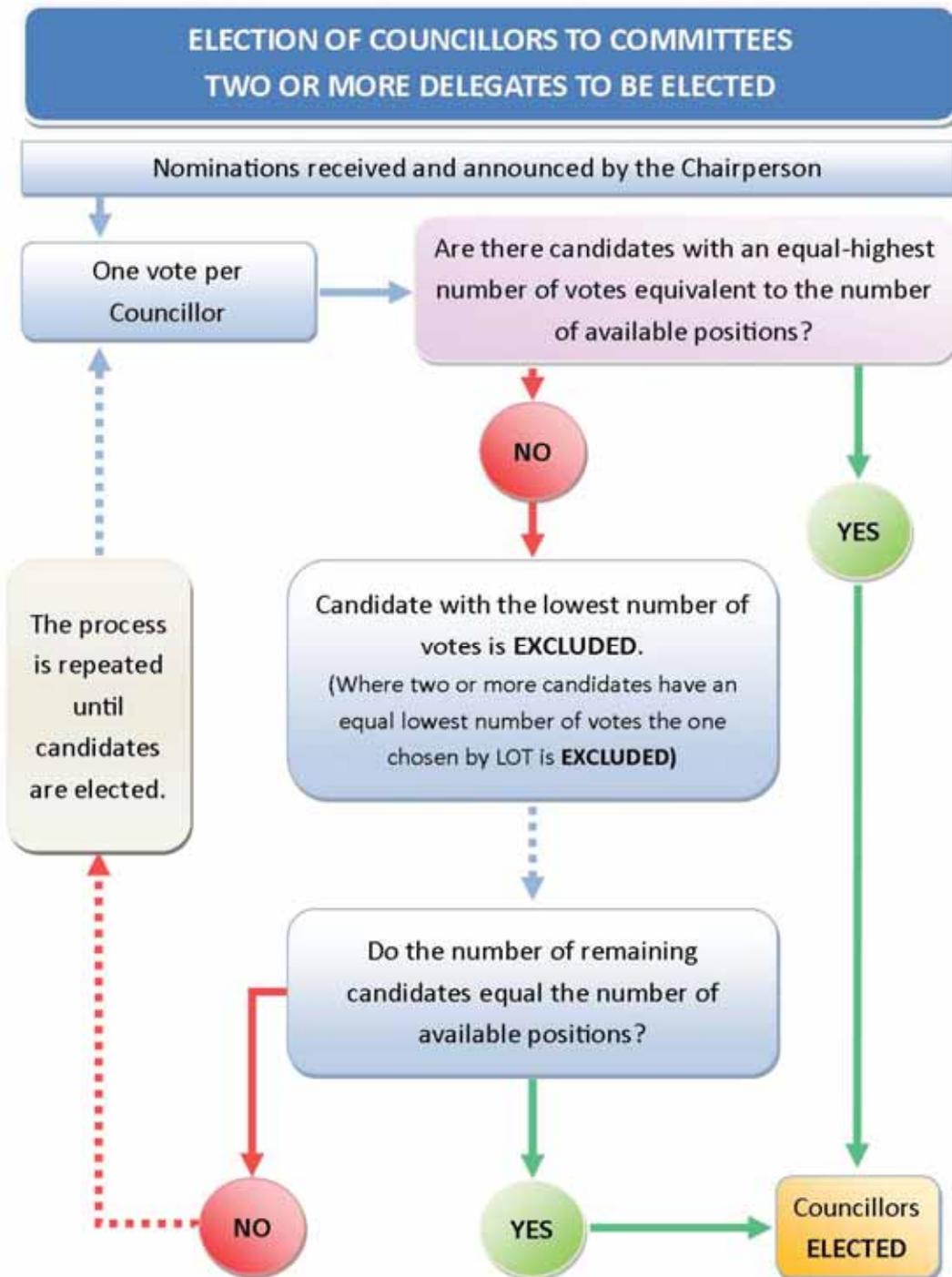
Attachment 2

Flow Chart – Election of Councillors to Committees – One Delegate to be elected (3 or more candidates)



Attachment 3

Flow Chart – Election of Councillors to Committees – Two or more Delegates to be elected



SUMMARY SHEET	
Responsible Division	Governance and Information
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	Not applicable
Date of next review: Within 18 months of the next Ordinary Council election	March 2018
Prepared by	Governance Officer
Authorised by	Manager Governance and Information

DRAFT

Wollongong City Council Representation – Committees, Reference Groups and External Organisations

NAME OF COMMITTEE / GROUP / ORGANISATION • Current Delegates	DELEGATE REQUIREMENT	NOMINEES Received by 24 August 2015		TERM
ADVISORY COMMITTEES				
Audit Committee <ul style="list-style-type: none"> • Cr M Blicavs • Cr G Petty 	<ul style="list-style-type: none"> • 2 Councillor delegates 	Cr M Blicavs		12 MONTHS
Corporate Governance Committee <ul style="list-style-type: none"> • Cr C Connor • Cr J Dorahy 	<ul style="list-style-type: none"> • 2 Councillor delegates 	Cr C Connor Cr J Dorahy		12 MONTHS
Performance Review Committee <ul style="list-style-type: none"> • Lord Mayor – Cr G Bradbery • Deputy Lord Mayor – Cr C Connor • Cr M Blicavs 	<ul style="list-style-type: none"> • Lord Mayor • Deputy Lord Mayor • 1 other Councillor Delegate 	AUTO DELEGATE Lord Mayor Deputy Lord Mayor	DELEGATE Cr M Blicavs Cr J Dorahy	12 MONTHS
Wollongong City Floodplain Management Committee <ul style="list-style-type: none"> • Cr G Takacs • Cr J Dorahy 	<ul style="list-style-type: none"> • 2 x Ward 2 Councillors 	Cr J Dorahy		12 MONTHS
SECTION 355 COMMITTEE				
Australia Day Committee <ul style="list-style-type: none"> • Lord Mayor – Cr G Bradbery • Cr J Kershaw • Vacant 	<ul style="list-style-type: none"> • Lord Mayor; <i>plus</i> • 2 Councillor delegates 	AUTO DELEGATE Lord Mayor	DELEGATE	12 MONTHS
REFERENCE GROUPS				
Access Reference Group <ul style="list-style-type: none"> • Vacant • Vacant 	<ul style="list-style-type: none"> • 2 Councillor delegates 			TO NEXT WLGA ELECTION
Sports and Facilities Reference Group <ul style="list-style-type: none"> • Cr V Curran – Chair • Cr J Kershaw • Vacant 	<ul style="list-style-type: none"> • 3 Councillor delegates One to be nominated as Chairperson 	Cr J Kershaw		12 MONTHS

NAME OF COMMITTEE / GROUP / ORGANISATION • Current Delegates	DELEGATE REQUIREMENT	NOMINEES Election: 14 September 2015	TERM
EXTERNAL COMMITTEES AND ORGANISATIONS			
Association of Mining Related Councils <ul style="list-style-type: none"> • Lord Mayor – Cr G Bradbery • Cr C Connor 	<ul style="list-style-type: none"> • 2 Councillor delegates 	Cr C Connor	12 MONTHS
Committee of Illawarra Sports Stadium Limited <ul style="list-style-type: none"> • Cr V Curran 	<ul style="list-style-type: none"> • 1 Councillor delegate 		12 MONTHS
Destination Wollongong <ul style="list-style-type: none"> • Cr L Colacino 	<ul style="list-style-type: none"> • 1 Councillor delegate 		12 MONTHS
Floodplain Management Association <ul style="list-style-type: none"> • Cr J Merrin • Cr J Dorahy 	<ul style="list-style-type: none"> • 2 Councillor delegates 	Cr J Dorahy	12 MONTHS
Healthy Cities Illawarra Board <ul style="list-style-type: none"> • Cr G Takacs 	<ul style="list-style-type: none"> • 1 Councillor delegate 		12 MONTHS
Illawarra Bushfire Management Committee <ul style="list-style-type: none"> • Cr C Connor 	<ul style="list-style-type: none"> • 1 Councillor delegate 	Cr C Connor	12 MONTHS
Illawarra District Noxious Weeds Authority <ul style="list-style-type: none"> • Cr J Merrin 	<ul style="list-style-type: none"> • 1 Councillor delegate 		12 MONTHS
Illawarra ITEC Limited Board <ul style="list-style-type: none"> • Cr G Takacs 	<ul style="list-style-type: none"> • 1 Councillor delegate 		12 MONTHS
Illawarra Performing Arts Centre (IPAC) Board <ul style="list-style-type: none"> • Lord Mayor – Cr G Bradbery • Cr L Colacino *Term of Directorship is 3 years under IPAC Constitution	<ul style="list-style-type: none"> • 2 Councillor delegates 		*3 YEARS Not to extend beyond the next LG General Election
Illawarra Regional Information Service (IRIS) Board <ul style="list-style-type: none"> • Cr D Brown • Cr A Martin • Vacant 	<ul style="list-style-type: none"> • 3 Councillor delegates 		12 MONTHS

NAME OF COMMITTEE / GROUP / ORGANISATION • Current Delegates	DELEGATE REQUIREMENT	NOMINEES Election: 14 September 2015		TERM
EXTERNAL COMMITTEES AND ORGANISATIONS				
Illawarra Zone Liaison Committee – Rural Fire Service <ul style="list-style-type: none"> • Cr C Connor – Delegate • Cr M Blicavs – Alternate Delegate 	<ul style="list-style-type: none"> • 1 Councillor delegate; plus • 1 Alternate delegate 	DELEGATE Cr C Connor	ALTERNATE Cr M Blicavs	12 MONTHS
Joint Regional Planning Panel <ul style="list-style-type: none"> • Cr V Curran – Delegate • Cr J Dorahy – Alternate Delegate 	<ul style="list-style-type: none"> • 1 Councillor delegate; plus • 1 Alternate delegate 	DELEGATE Cr J Dorahy	ALTERNATE	12 MONTHS
Landcare Illawarra <ul style="list-style-type: none"> • Vacant – currently represented by staff member 	<ul style="list-style-type: none"> • 1 Councillor delegate 			12 MONTHS
Public Libraries NSW – Country <ul style="list-style-type: none"> • Cr C Connor 	<ul style="list-style-type: none"> • 1 Councillor delegate 	Cr C Connor		12 MONTHS
Southern Councils Group – Pilot Joint Organisation <ul style="list-style-type: none"> • Lord Mayor – Cr G Bradbery – Delegate • Cr C Connor – Alternate Delegate 	<ul style="list-style-type: none"> • Lord Mayor; plus • 1 alternate delegate 	AUTO DELEGATE Lord Mayor	ALTERNATE Cr C Connor	12 MONTHS
United Independent and Westpool Boards <ul style="list-style-type: none"> • Lord Mayor – Cr G Bradbery – Delegate • Cr M Blicavs – Alternate Delegate 	<ul style="list-style-type: none"> • Lord Mayor; <i>plus</i> • 1 alternate delegate 	AUTO DELEGATE Lord Mayor	ALTERNATE Cr M Blicavs	12 MONTHS

OPTIONS FOR 2016 COUNCIL MEETING SCHEDULE

Council meetings and Councillor Briefing Sessions will be held on Mondays, with the *exception of School Holidays, when there will be no meetings, and (Monday) Public Holidays, when meetings will be held on the Tuesday.

OPTION 1 | Three-weekly Council meeting cycle* Councillor Briefings on all other Mondays*

14 Council Meetings / 26 Councillor briefings

JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
School Holidays	1 st Council	7 th Briefing	4 th Council	2 nd Briefing	6 th Briefing
	8 th Briefing	14 th Council	School Holidays 11/4 to 25/4	9 th Council	Tues 14 th Briefing <i>Possible National General Assembly of LG</i>
	15 th Briefing	21 st Briefing		16 th Briefing	20 th Council
	22 nd Council	Tues 29 th Briefing	Tues 26 th Briefing	23 rd Briefing	27 th Briefing
	29 th Briefing			30 th Council	

JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
School Holidays 4/7 to 15/7	1 st Briefing	5 th Council	School Holidays 26/9 to 7/10	7 th Briefing	5 th Briefing
	8 th Briefing	12 th Briefing	10 th Council	14 th Briefing	12 th Council
18 th Briefing	15 th Council	19 th Briefing	17 th Briefing <i>Possible Local Government NSW Annual Conference 16-18 October</i>	21 st Council	
25 th Council	22 nd Briefing	School Holidays 26/9 to 7/10	24 th Briefing	28 th Briefing	
	29 th Briefing		31 st Council		

OPTIONS FOR 2016 COUNCIL MEETING SCHEDULE

Council meetings and Councillor Briefing Sessions will be held on Mondays, with the *exception of School Holidays, when there will be no meetings, and (Monday) Public Holidays, when meetings will be held on the Tuesday.

- OPTION 2** | Two Council meetings per month on the second and fourth Monday*
 Two Councillor Briefings per month on the first and third Monday*
 Where there are five Mondays in any month, optional Councillor Briefing Session

19 Council meetings / 16-22 Councillor Briefings

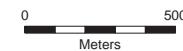
JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
School Holidays	1 st Briefing	7 th Briefing	4 th Briefing	2 nd Briefing	6 th Briefing
	8 th Council	14 th Council	School Holidays 11/4 to 25/4	9 th Council	Tues 14 th Council <i>Possible National General Assembly of LG</i>
	15 th Briefing	21 st Briefing		16 th Briefing	20 th Briefing
	22 nd Council	Tues 29 th Council	Tues 26 th Council	23 rd Council	27 th Council
	29 th Optional Briefing			30 th Optional Briefing	

JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
School Holidays 4/7 to 15/7	1 st Briefing	5 th Briefing	School Holidays 26/9 to 7/10	7 th Briefing	5 th Briefing
	8 th Council	12 th Council	10 th Council	14 th Council	12 th Council
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25 th Council	22 nd Council	School Holidays 26/9 to 7/10	24 th Council	28 th Council	
	29 th Optional Briefing		31 st Optional Briefing		

Structure Plan (March 2015)

Legend

-  800m Radius
-  Proposed Road Layout
-  WD Stage5 Boundary
-  Employment
-  School
-  Mixed Use
-  Conservation
-  Low Density Residential
-  Medium Density Residential
-  Recreation
-  Rural
-  Rural Residential
-  Semi Rural
-  Town Centre
-  Riparian Conservation



Drawn By: J Lewis

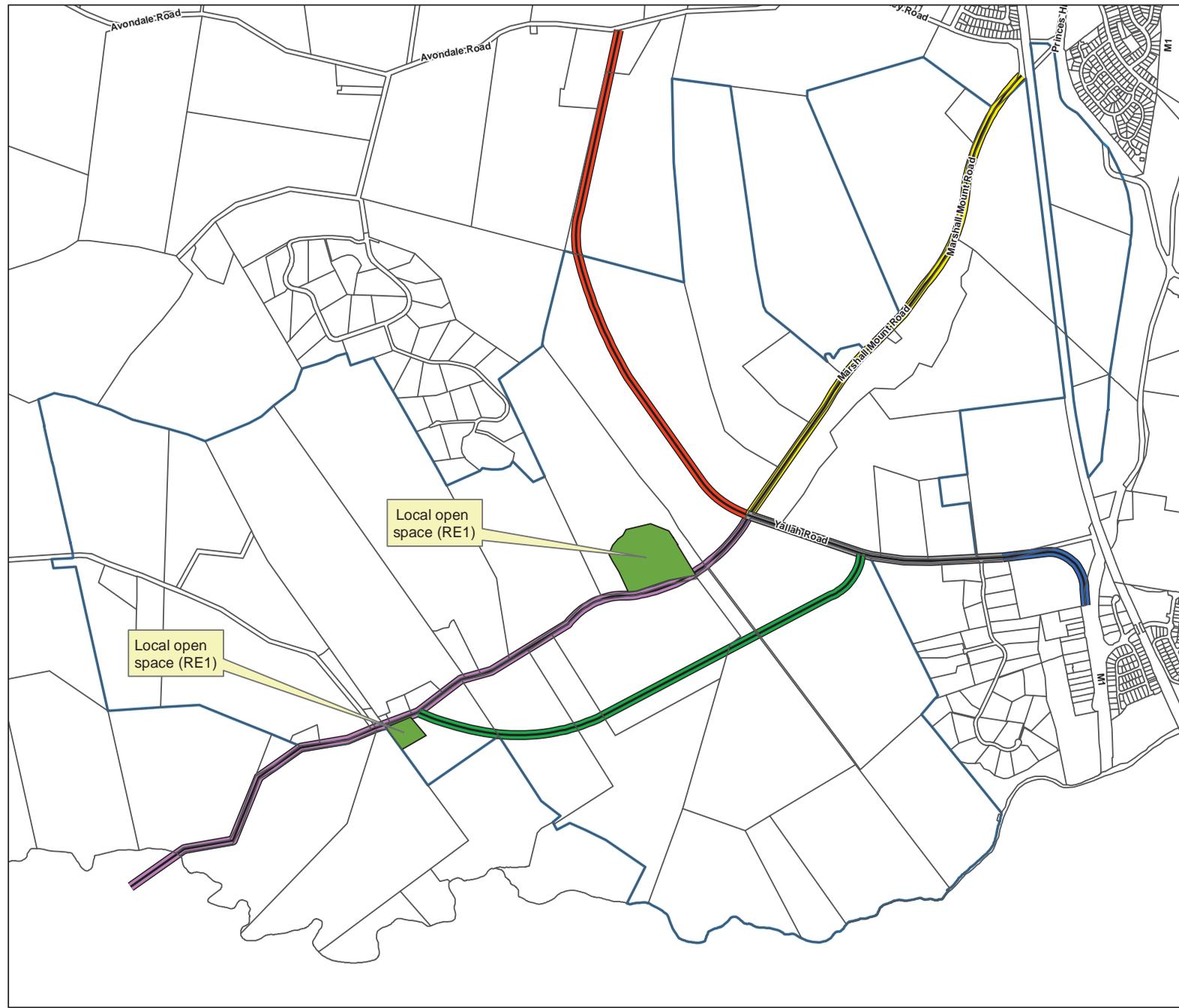
Date: 03 October 2014

Gis ref: Draft DSP 2014 03.10.14.mxd

Main Roads and Open Space

Legend

-  Active Open Space
-  Internal Link Rd
-  Marshall Mt Road Nth
-  Marshall Mt Road Sth
-  Road No. 8
-  Uncosted Road
-  Yallah Road
-  Stage 5 Boundary



0 520

Meters

Scale 1:16000 @A3

Drawn By: J Lewis

Date: 24.08.15

Gis ref: MainRoads_OpenSpace 240815.mxd

Neighbourhood Precincts

Legend

-  Stage 5 Boundary
-  Duck Creek
-  Elm Park
-  Iowna
-  Marshall Mount
-  Marshall Vale
-  Penrose
-  Timber Glades
-  Village Core
-  Woodville



0 560
Meters

Scale 1:16000 @A3

Drawn By: J Lewis

Date: 24.08.15

Gis ref: Draft Neighbourhood Precincts 240815.mxd

Part 2: EXPLANATION OF THE PROVISIONS OF PROPOSED LEP:

Statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

1. The repeal of Wollongong LEP No. 38 and Wollongong LEP 1990 from applying to the area.
2. The transfer of the following items of heritage significance within the area from the Wollongong LEP 1990 to Schedule 5 the Wollongong LEP 2009:

Suburb	Item name	Address	Property description	Significance	Item No
Dapto	House "Penrose", formerly Penrose Villa	480 Princes Highway	Lot 2, DP 608205	Local	5917
Marshall Mount	Former Marshall Mount School and Master's residence	456 Marshall Mount Road	Lot 100, DP 712786	Local	5983
Marshall Mount	Marshall Mount Progress Association hall	450 Marshall Mount Road	Lot 1, DP 396100	Local	61027

3. The amendment of the following maps in the Wollongong LEP 2009.
 - a. Land Application Map;
 - b. Land Zoning Map;
 - c. Lot Size Map;
 - d. Height of Buildings Map;
 - e. Floor Space Ratio Map;
 - f. Heritage Map;
 - g. Acid Sulfate Soils, Riparian Land and Flood Planning Map;
 - h. Land Reservation Acquisition Map; and
 - i. Active Street Frontage Map.
4. The insertion of the following clauses into the Wollongong LEP 2009 in Part 7:
 - Active street frontages – copy from Rockdale LEP 2011 clause 6.11 but amend subclause (1) to refer to B1, B2, B3 and B4 zones. Amend subclause (6) to refer to Wollongong LEP 2009. Also include an additional subclause that allows ground floor unit to be adaptable/convertible for temporary residential use, pending sufficient retail demand.
 - Lot averaging clause – copy from Eurobodalla LEP 2012 clause 4.1E. In the heading and subclause (1) include reference to RU2 and E3 and E4 zones within the Yallah-Marshall Mount precinct.
 - Add low impact camping on Lot 4 DP 608205, 54 Marshall Mount Road, Penrose to Schedule 1 of the LEP.
 - Add use lot averaging clause for subdivision of two existing dwellings on Lot 5 DP 24143, No 297 Marshall Mount Road, Marshall Mount to Schedule 1 of the LEP.

Part 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROVISIONS AND PROCESSES FOR THEIR IMPLEMENTATION:

Section A – Need for the planning proposal

<p>1. Is the planning proposal a result of any strategic study or report?</p>	<p>The proposal The Yallah-Marshall Mount precinct was considered as Stage 5 of the West Dapto Release Area. The Draft West Dapto Local Environmental Plan and supporting documents were exhibited in 2007-2008.</p> <p>In May 2008 Council engaged the Growth Centres Commission to review the draft zonings for the release area. Following consideration of the Growth Centres Commission recommendations and representations from land owners, Council abandoned its previous draft zonings for the Yallah Marshall Mount area, and has commenced planning the Yallah - Marshall Mount precinct from a fresh perspective.</p> <p>Council has completed the Duck Creek Flood Study and held a two day enquiry by design workshop. The enquiry by design workshop has resulted in the creation of a draft structure plan, which has been used as the basis for further precinct planning work.</p> <p>Council has completed a number of studies to inform the draft structure plan, and has also incorporated changes to the structure plan as a result of submissions made by landholders following the exhibition of the Planning Proposal and draft structure plan. The structure plan is still substantially the same as the one originating from the Enquiry by Design workshop.</p>
<p>2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</p>	<p>The planning proposal is evolved from an Enquiry by Design workshop held in March 2011. The planning proposal is considered the best way of achieving the stated objective of preparing a plan for Stage 5 of the West Dapto Urban Release Area.</p>
<p>3. Is there a net community benefit?</p>	<p>The precinct is required for the long term future urban needs of the Wollongong community, and is identified as such in the Illawarra Regional Strategy and in the draft Illawarra Regional Growth and Infrastructure Plan 2014.</p>

Section B – Relationship to strategic planning framework

<p>4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?</p>	<p>Yes, the proposal is consistent with the Illawarra Regional Strategy 2007 and draft Illawarra Regional Growth and Infrastructure Plan 2014, which identifies the precinct within the West Dapto Urban Release Area. The West Dapto Urban Release Area is the final remaining large Greenfield release area within the Wollongong Local Government Area.</p>
<p>5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?</p>	<p>Council currently has Community Strategic Plan 2022. The planning proposal is consistent with this overall vision. The planning proposal intends to provide for increased variety of housing choice, which is consistent with the Community Strategic Plan 2022.</p> <p>An action in the 2012-13 Annual Plan was to complete the Yallah-Marshall Mount studies.</p>

<p>6. Is the planning proposal consistent with applicable state environmental planning policies?</p>	<p>SEPP 55 – Remediation of Land applies to sites which are suspected of contamination. Further study will be required for any sites which may be contaminated. This is best carried out as individual neighbourhood areas within the precinct are developed, as many landholders intend to continue their present land uses for an indefinite period.</p> <p>SEPP (Infrastructure) 2008 – Complies.</p> <p>SEPP (Rural Lands) 2008 - Although not applying to the planning proposal, the principles of this SEPP have been considered during the development of the plan. The area is identified as an urban release area under the Illawarra Regional Strategy, which will result in an inevitable change for the current rural land uses if the strategy is to be achieved. Refinement of the structure plan has considered the interaction of the proposed development with existing agricultural activities, particularly as some landholders intend to continue their existing agricultural operations.</p>
<p>7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?</p>	<p>The proposal has been considered in accordance with the following Ministerial directions:</p> <p>1.1 Business and Industrial Zones – The planning proposal affects some Industrial land. The affected land is largely undeveloped land, with a small portion previously used as an abattoir. The planning proposal identifies new land for business and employment uses in accordance with the structure plan developed in conjunction with background studies.</p> <p>1.2 Rural Zones – The planning proposal applies to areas covered by rural zones; however the planning proposal is consistent with the Illawarra Regional Strategy, which identifies the area as being part of an urban release area. The study into the precinct and its status as an urban release area justifies the inconsistency.</p> <p>1.3 Mining, Petroleum Production & Extractive Industries – NA.</p> <p>1.4 Oyster Aquaculture – NA.</p> <p>1.5 Rural Lands - NA.</p> <p>2.1 Environment Protection Zones - The planning proposal applies to areas covered by environmental zones; however the planning proposal is consistent with the Illawarra Regional Strategy, which identifies the precinct as being part of an urban release area. Further work has been undertaken to refine habitat boundaries, vegetation boundaries and identify potential options to resolve stewardship issues. The planning proposal adopts a “stepping stone” approach, preserving the various stands of significant vegetation, representing the gradation of vegetation types from the Marshall Mount hills to the lower areas of Duck Creek, leading to Lake Illawarra. While potential revegetation of Duck</p>

	<p>Creek is limited due to potential impacts on flood flows, a number of smaller tributaries have potential for revegetation to occur that would assist in linking the significant vegetation patches. The planning proposal seeks to maximise development around the village centre and along transport routes, with lower densities in the fringe areas allowing for environmental outcomes. The work undertaken on the planning proposal has considered the objective of this direction and devised an appropriate conservation outcome, in accordance with the Illawarra Regional Strategy.</p> <p>2.2 Coastal Protection – NA.</p> <p>2.3 Heritage Conservation – The subject area includes items of built and environmental heritage, and potential for Aboriginal heritage. Further study has been undertaken to refine the areas of potential Aboriginal heritage. The development areas within the structure plan have avoided the sensitive areas. Aboriginal heritage items have not been mapped in the planning proposal due to sensitivity of mapping Aboriginal heritage items. Further detailed assessment of individual areas is best carried out as individual neighbourhood plans within the precinct are developed, as many landholders intend to continue their present land uses for an indefinite period. Council has revised the European and landscape heritage items listed under Wollongong Local Environmental Plan 1990 and made revision to curtilages of items. Landscape items have been removed, as the significant landscape areas are zoned for conservation purposes.</p> <p>2.4 Recreation Vehicle Areas – NA.</p> <p>3.1 Residential Zones – The planning proposal would involve the creation of new residential zones. The draft structure plan provides for a variety of housing types. The planning proposal would amend Wollongong Local Environmental Plan 2009, which already contains clauses requiring infrastructure provision prior to development occurring. The precinct will involve significant decisions by government agencies and Council regarding infrastructure provision prior to the physical development of the precinct. Interagency groups are progressing ongoing discussions regarding servicing and access for the West Dapto urban release area, of which this planning proposal covers Stage 5.</p> <p>3.2 Caravan Parks and Manufactured Homes – The planning proposal has not identified land within the precinct suitable for this form of development. The planning proposal is based on the work and studies undertaken in accordance with the objectives of this direction.</p> <p>3.3 Home Occupations – The planning proposal will</p>
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comply.

- 3.4 Integrating Land Use and Transport – The Enquiry by design workshop and resulting structure plan considers the integration of land use and transport. The planning proposal seeks to maximise densities around the proposed village centre and to create a more sustainable urban form. Smaller lot sizes are proposed along main road links in order to maximise the potential access to public transport routes. Larger lots and rural-residential development are proposed away from the village centre and transport routes to reduce the potential population in areas with unlikely access to future public transport. Ongoing discussions with government agencies are being undertaken as part of the West Dapto Access Strategy. Road upgrades will be necessary for development of the precinct to proceed. It is anticipated that short term development of the precinct would be limited. In the long term, Marshall Mount Road will need to be widened and intersections connecting to the Princes Highway upgraded. In the long term, significant upgrades to the Southern Freeway and Yallah Road intersection would be required. Concept plans for interaction between the Albion Park Bypass and upgraded Yallah Road have been discussed with NSW Roads and Maritime Services. Yallah Road is expected to be realigned and upgraded to be the emergency flood access route to the precinct.
- 3.5 Development Near Licensed Aerodromes – The area covered by the planning proposal is outside the 20 ANEF contour.
- 3.6 Shooting Ranges – NA.
- 4.1 Acid Sulphate Soils – There are some minor acid sulphate soils on the fringes of the study area around Macquarie Rivulet. These are of minor significance. The area's most significantly affected are proposed for conservation uses. Clause 7.5 of the Wollongong Local Environmental Plan 2009 provides appropriate controls for development of land subject to Acid Sulfate Soils. Where development opportunities exist on land within this area, larger lots of 5000sqm to 1ha are proposed to minimise impacts.
- 4.2 Mine Subsidence and Unstable Land – NA.
- 4.3 Flood Prone Land – Council has completed the Duck Creek Flood Study. Further modelling and a Post Development Flood Risk Management Plan have been developed, particularly for those sites where the landholders seek to modify flood behaviour. The studies have concluded that development should be kept clear of floodway areas in accordance with the Floodplain Development Manual. Additional development in the area immediately north of the village centre

	<p>has been avoided due to this area having potential for flood isolation. Some land subject to low hazard flood conditions has been considered for development around the village centre, subject to appropriate flood engineering, demonstrating no additional flood impacts to other properties. The structure plan and draft zonings have considered the flood risk. Clause 7.3 of the Wollongong Local Environmental Plan 2009 provides suitable controls on flood liable land. The proposal has considered the most efficient emergency flood access route and minimises the government spending to on flood mitigation to service this urban release precinct.</p> <p>4.4 Planning For Bushfire Protection – development structure plan has been tested. Bushfire affectation in the area is minor and a bushfire management strategy has been completed as part of the development of the structure plan. Rural and rural-residential lots are proposed to be large to enable flexibility in selecting building sites, whilst maintaining suitable asset protection zones.</p> <p>5.1 Implementation of Regional Strategies – The planning proposal will implement Stage 5 of an urban release area identified within the Illawarra Regional Strategy.</p> <p>5.2 Sydney Drinking Water Catchments – NA.</p> <p>5.3 Farmland of State and Regional Significance on the NSW Far North Coast – NA.</p> <p>5.4 Commercial and Retail Development along the Pacific Highway, North Coast – NA.</p> <p>5.5 – Revoked.</p> <p>5.6 – Revoked.</p> <p>5.7 – Revoked.</p> <p>5.8 Second Sydney Airport: Badgerys Creek – NA.</p> <p>6.1 Approval and Referral Requirements – The planning proposal complies with the direction and does not envisage additional approval or referral requirements.</p> <p>6.2 Reserving Land for Public Purposes – The planning proposal complies with the Direction.</p> <p>6.3 Site Specific Provisions - The planning proposal does not contain unnecessary site specific provisions. The planning proposal aims to enable low-impact camping on Lot 4 DP 608205, 54 Marshall Mount Road, Penrose. The planning proposal also seeks to enable development of ground floor residential units within the B4 zone within the village centre, subject to their adaptability for retail/commercial uses at a later date. This provision would allow for the desired mix of uses within the secondary streets of the centre and would avoid potential sterilisation of the land in the short term. The planning proposal aims</p>
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	<p>to allow the use of the lot averaging clause for Lot 5 DP 24143, No. 297 Marshall Mount Road to subdivide two existing dwellings into separate lots.</p> <p>7.1 Implementation of The Metropolitan Plan for Sydney 2036 – NA.</p>
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Section C – Environmental, social and economic impact

<p>8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?</p>	<p>The planning proposal and draft structure plan have the potential to impact on ecological communities. There are a variety of design and control measures which could be implemented. Perimeter roads and asset protection zones will be located within the development zones to avoid clearing of significant vegetation. Further refining has been undertaken to refine habitat preservation boundaries and to resolve stewardship issues. The Planning Proposal seeks to allow low impact uses, such as camping for some sites as a practical use of the land.</p>
<p>9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</p>	<p>The draft structure plan seeks to maximise the urban outcome, while minimising environmental impacts. Further work on the structure plan has been undertaken to balance the need for a vibrant urban community and the environmental attributes of the study area. The plan maximises development near the village centre and along transport routes, while providing larger lot sizes and densities away from the core urban areas and in the vicinity of conservation areas.</p>
<p>10 How has the planning proposal adequately addressed any social and economic effects?</p>	<p>The planning proposal seeks to create a sustainable community. The draft structure plan seeks to maximise the concentration of dwellings around the proposed village centre and transport routes, to provide for the social and economic needs of the community within the area where possible.</p>

Section D – State and Commonwealth interests

<p>11. Is there adequate public infrastructure for the planning proposal?</p>	<p>Public infrastructure can be provided. Satisfactory arrangements with relevant agencies will need to be made prior to development of the precinct. Sydney Water is considering bringing forward its servicing of the precinct, and estimate the first stage infrastructure works will start in 2017.</p> <p>Access issues from the precinct to the Princes Highway exist. The full development potential of the precinct will require substantial road upgrades, including significant work to connect to the Princes highway between Yallah and Tallawarra. Council is working with NSW Planning and Environment and Department of Roads and Maritime Services on an access strategy for the West Dapto release area (including the area covered by this planning proposal). The Albion Park bypass is likely to be constructed by the time significant development within the precinct is completed. Yallah Road is able to</p>
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	<p>cater for interim traffic generation likely to occur between rezoning and 2021, with minor signage upgrades and speed limit reductions on the Princes Highway in the vicinity of the Yallah Road on-ramp. Clause 6.1 of Wollongong Local Environmental Plan 2009 provides that subdivision of land within an urban release area is to be undertaken in conjunction with satisfactory arrangements for provision of essential state infrastructure.</p> <p>At present, the precinct is unlikely to be developed in the near future (due to land ownership patterns and varying owner aspirations) however the rezoning of the precinct will enable a reserve of land for urban development, which can be developed as servicing infrastructure reaches the area.</p>
<p>12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?</p>	<p>State government agencies have provided comments on the planning proposal. Continuing discussions have been held with agencies regarding their areas of interest during the development of the structure plan and planning proposal</p> <p>A number of meetings have been held with the Office of Environment and Heritage regarding the potential for bio-banking and bio-certification of the precinct. Council is currently working on a bio-certification strategy for the whole of West Dapto, including the land covered by this planning proposal.</p> <p>The NSW Office of Environment and Heritage have indicated that they consider the flood modelling is not consistent with surrounding areas and studies. Council's flood consultant has reviewed the comments provided by OEH and Council is satisfied that the flood study reflects the characteristics and potential flooding conditions within the Duck Creek catchment and does not increase the likely flood risk.</p> <p>OEH have also sought 40ha minimum lot sizes for E2 zoned areas and want a buffer area to be applied to high conservation areas. The planning proposal includes much of the high conservation areas and riparian areas within 40ha minimum lot size areas. Perimeter roads, asset protection zones and buffer areas will be within the development area. These buffer areas will be further refined during the neighbourhood planning stages.</p> <p>OEH note that there is a considerable surplus of urban land and seek deferral of the rezoning until bio-certification of the West Dapto urban release area is completed. Council intends to proceed with the planning proposal as a long term development precinct for the West Dapto urban release area. There is likely to be a long period before intensive development of the precinct takes place, which allows time for bio-certification to be completed.</p> <p>NSW Planning and Environment have indicated that height limits of 6m and 8m in the rural and rural-residential zones could be made 9m in keeping with similar areas in Wollongong LEP 2009. The planning</p>

	<p>proposal has amended the proposed height limits to 9m in these areas.</p> <p>NSW Roads and Maritime Services have indicated that they are not satisfied that short or long term plans to manage traffic are in place and integration with the Albion Park bypass. Council is working with the Department of Planning and Infrastructure and Department of Roads and Maritime Services on developing the access strategy for the West Dapto release area, including the area covered by this planning proposal. Roads and Maritime Services have been made aware of the need for Yallah Road to be upgraded and pass under the proposed new freeway infrastructure. A concept plan for this road link has been developed. RMS have noted that provisions will need to be made to cater for traffic generated by the proposal in the interim, as the capacity of crucial intersections to handle increased traffic movements is low. Council's short term traffic modelling has indicated that the likely additional traffic generation in the short term is low and could be handled by upgrades to Yallah Road and speed limit reduction on the Princes Highway near the Yallah Road on-ramp.</p>
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Part 4: DETAILS OF COMMUNITY CONSULTATION TO BE UNDERTAKEN ON THE PLANNING PROPOSAL:

<p>The planning proposal draft zoning maps and associated provisions was publicly exhibited from 17 March 2014 to 7 May 2014.</p> <p>To date, Council has held a two day Enquiry By Design workshop in 2011, to which landholders were invited, plus a drop-in information session at the same time for members of the public.</p> <p>Council held regular meetings with a group of landholder representatives during the development of the structure plan. The draft structure plan was also exhibited for public comment in April 2013. Council has also held two sessions with landholders to discuss bio-certification and bio-banking options. Council held a workshop on 11 October 2013 with landowners, councillors, representatives from the Department of Planning and Infrastructure and Office of Environment and Heritage to work through the draft structure plan.</p> <p>Council seeks to finalise this planning proposal.</p>
--



wollongong
city of innovation

Land Application Map

Legend

 Study Area



0 500
Meters

Scale 1:16000 @ A3

Drawn By: H. Jones

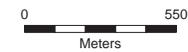
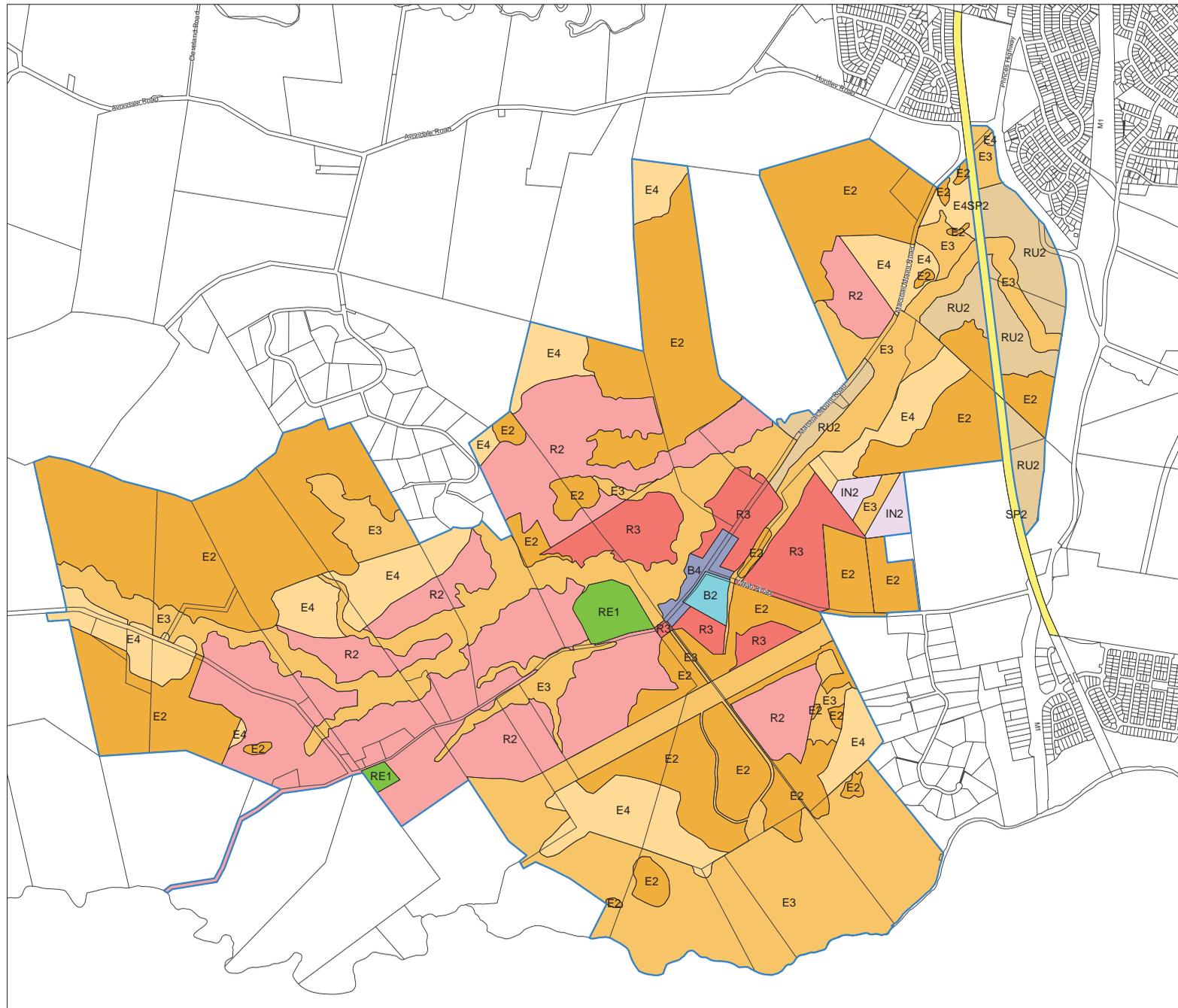
Date: 04 April 2013

Gis ref: Draft Land Application31-07-13.mxd

Zoning

Legend

-  Stage 5 Boundary
-  B2 Local Centre
-  B4 Mixed Use
-  E2 Environmental Conservation
-  E3 Environmental Management
-  E4 Environmental Living
-  IN2 Light Industrial
-  R2 Low Density Residential
-  R3 Medium Density Residential
-  RE1 Public Recreation
-  RU2 Rural Landscape
-  SP2 Infrastructure



Minimum Lot Size Map

Minimum Lot Size (sq m)

 Stage 5 Boundary

	C	300
	D	349
	F	449
	T	999
	W1	4999
	X	0.99ha
	Y	1.99
	AA1	6.99ha
	AA2	8.99ha
	AB1	14.99ha
	AB	39.99ha



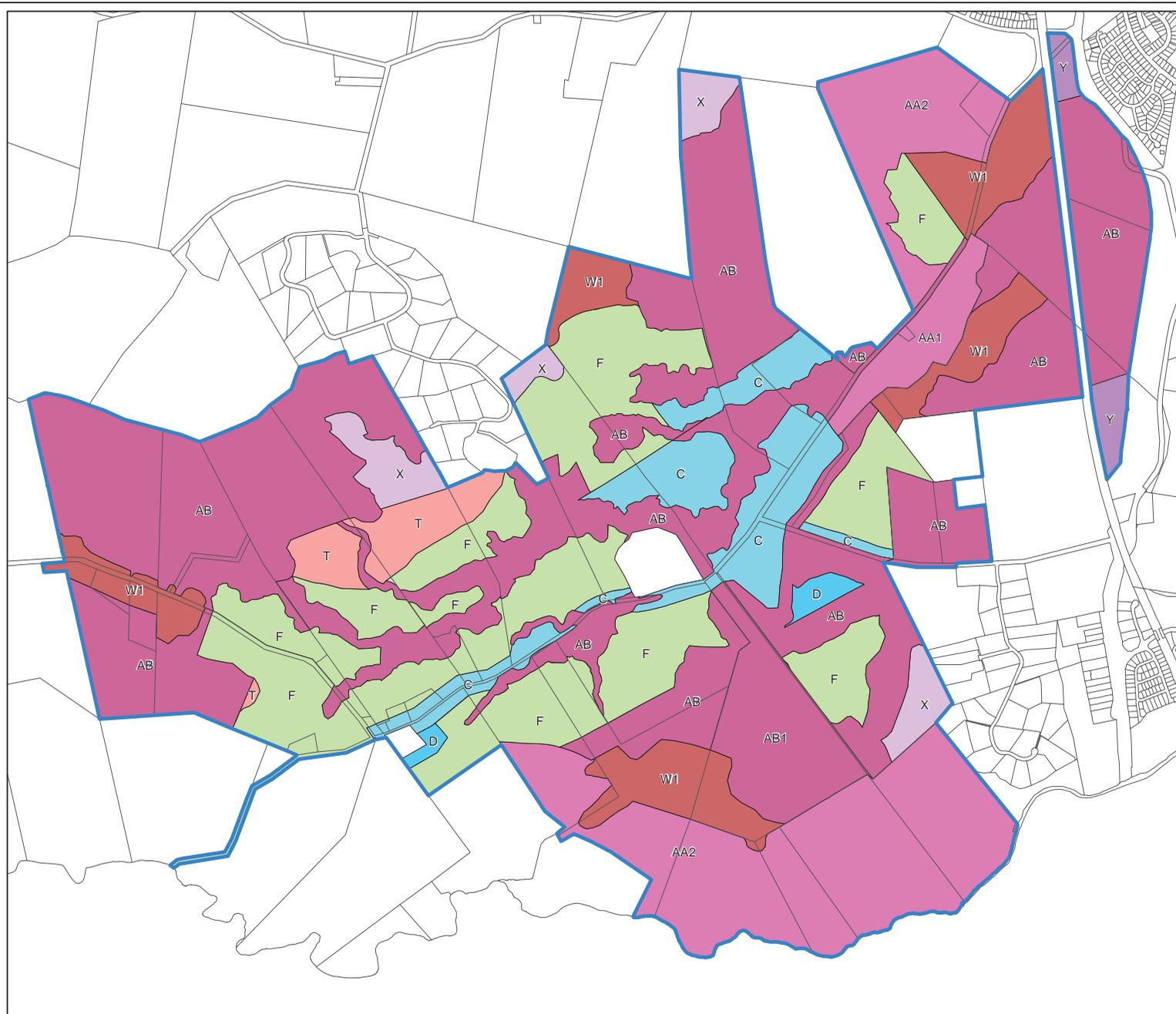
0  500
Meters

Scale 1:16000 @A3

Drawn By: J Lewis

Date: 03 October 2014

Gis ref: Draft MinLotSize 03.10.14.mxd



Height of Buildings Map

Legend

 Stage 5 Boundary

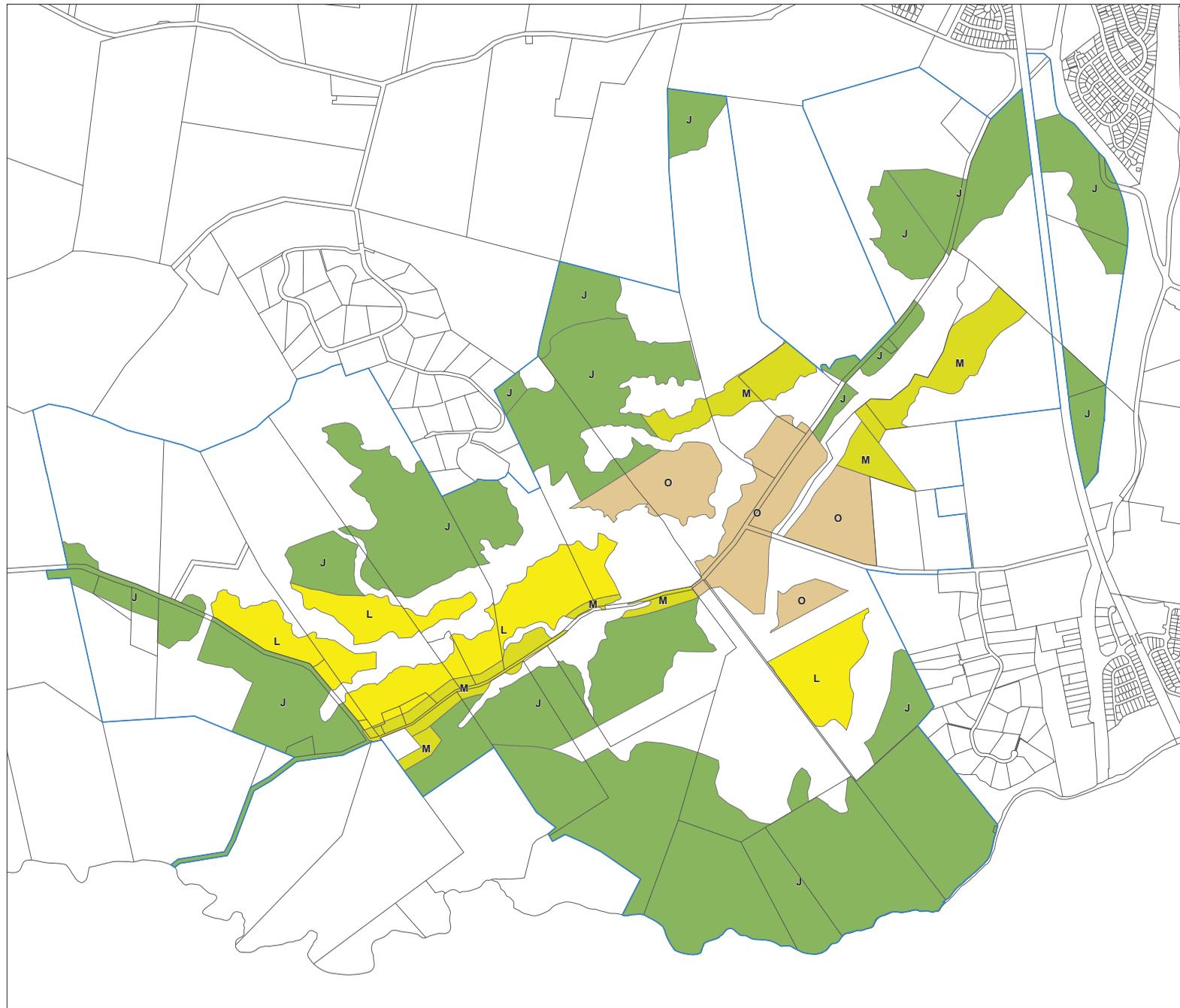
Maximum Height of Buildings (m)

 J 9

 L 11

 M 12

 O 15



0 510
Meters

Scale 1:16000 @ A3

Drawn By: J Lewis

Date: 03.10.13 Amended 02.10.14

Gis ref: Draft Strategy_Height 310713.mxd

Floor Space Ratio Map

Legend

 Stage 5 Boundary

Max Floor Space (n:1)

 A 0.3

 D 0.5

 I 0.75

 N 1

 S 1.5

 T 2



0 500
Meters

Scale 1:16000 @A3

Drawn By: J Lewis

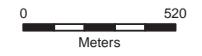
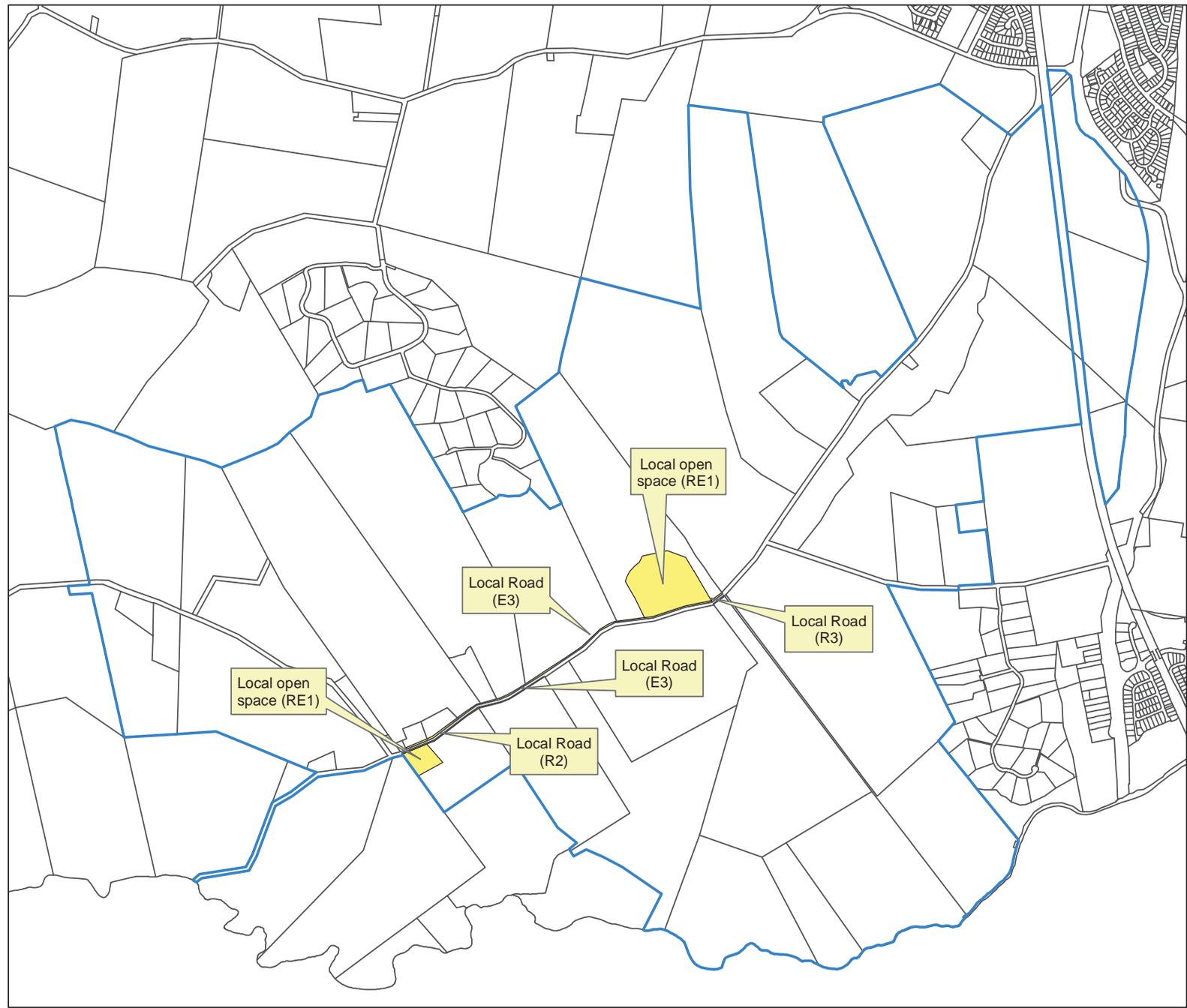
Date: 03 October 2013

Gis ref: Draft FSR 310713.mxd

Acquisition

Legend

-  Stage 5 Boundary
-  Land Acquisition



Scale 1:16000 @A3

Natural Resource Sensitivity - Biodiversity Map

Legend

-  Stage 5 Boundary
-  Natural Resource
Sensitivity -
Biodiversity Map



0 520
Meters

Scale 1:16000 @A3

Drawn By: H. Jones

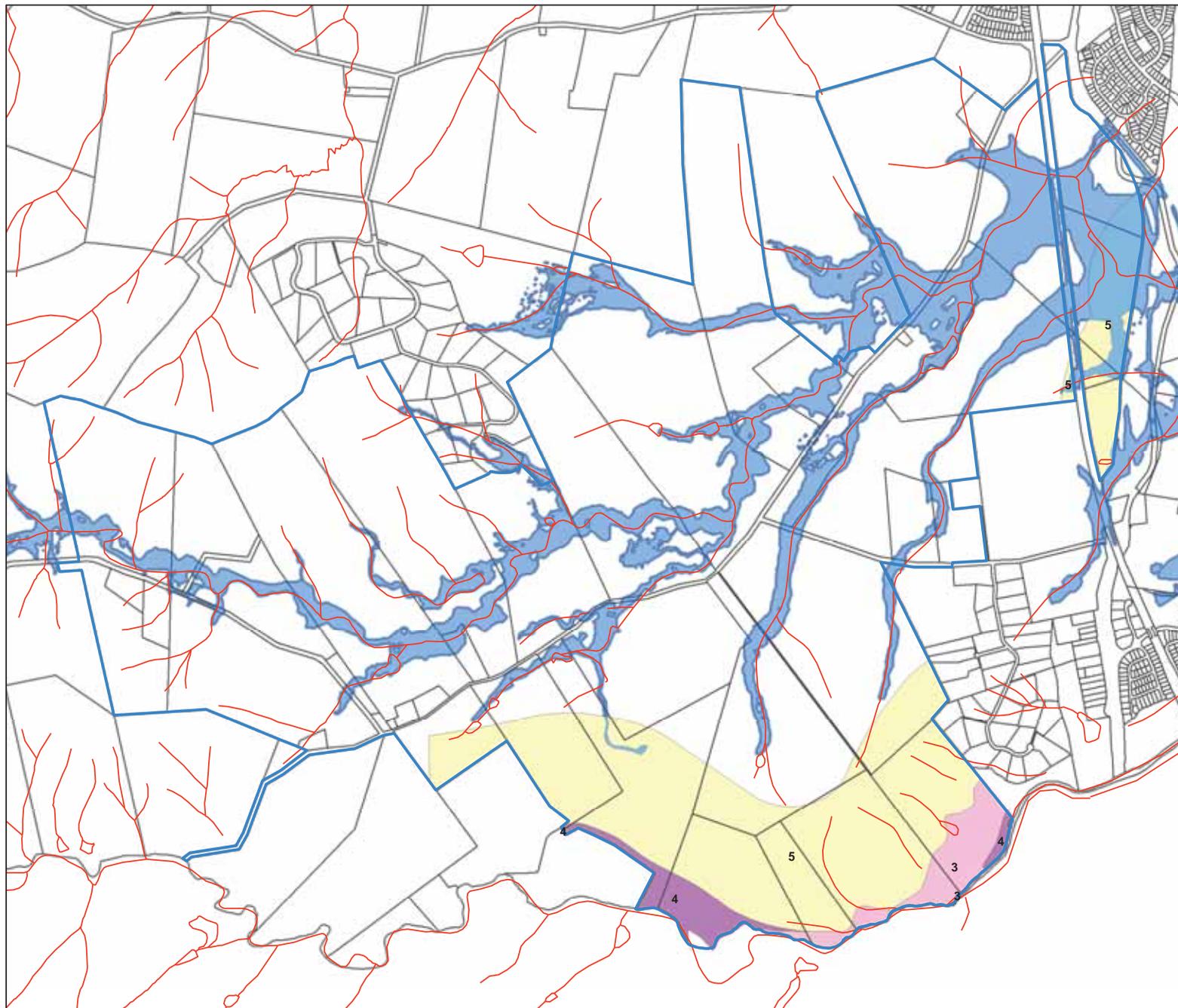
Date: 31 July 2013

Gis ref: Draft Strategy Vegetation Types 31-07-13mxd

Acid Sulfate Soils, Riparian Lands and Flood Planning map

Legend

-  Stage 5 Boundary
- Riparian Corridors**
 -  Riparian Corridors
 -  Class 1
 -  Class 2
 -  Class 3
 -  Class 4
 -  Class 5
 -  dc_des_100y_max_extents



0 520
Meters

Scale 1:16000 @A3

Drawn By: H. Jones

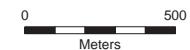
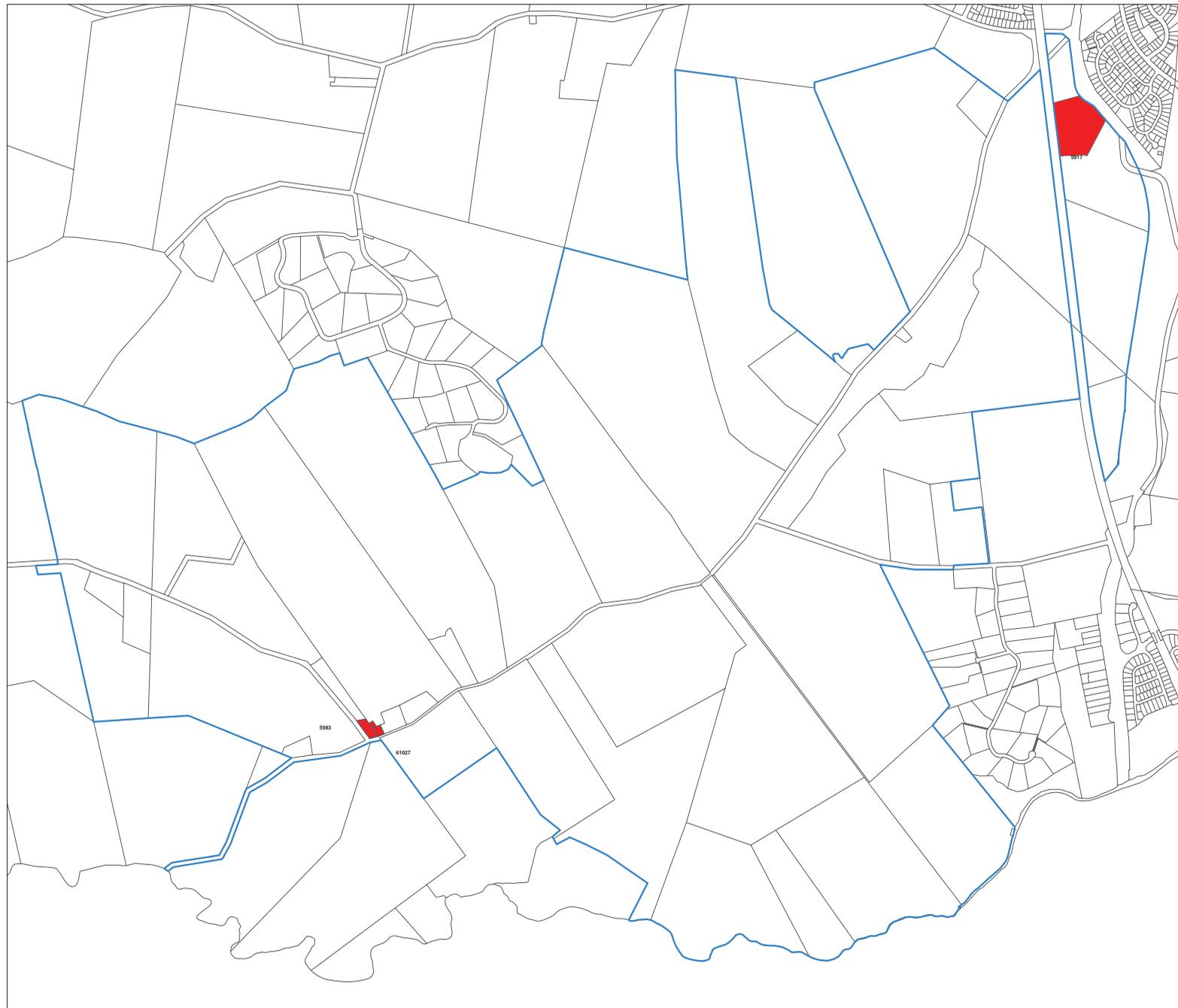
Date: 31 July 2013

Gis ref: Draft Strategy Plan AcidSulfate 27-11-13.mxd

Heritage

Legend

-  Stage 5 Boundary
-  Heritage Items



Scale 1:16000 @A3

Drawn By: H. Jones

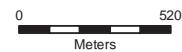
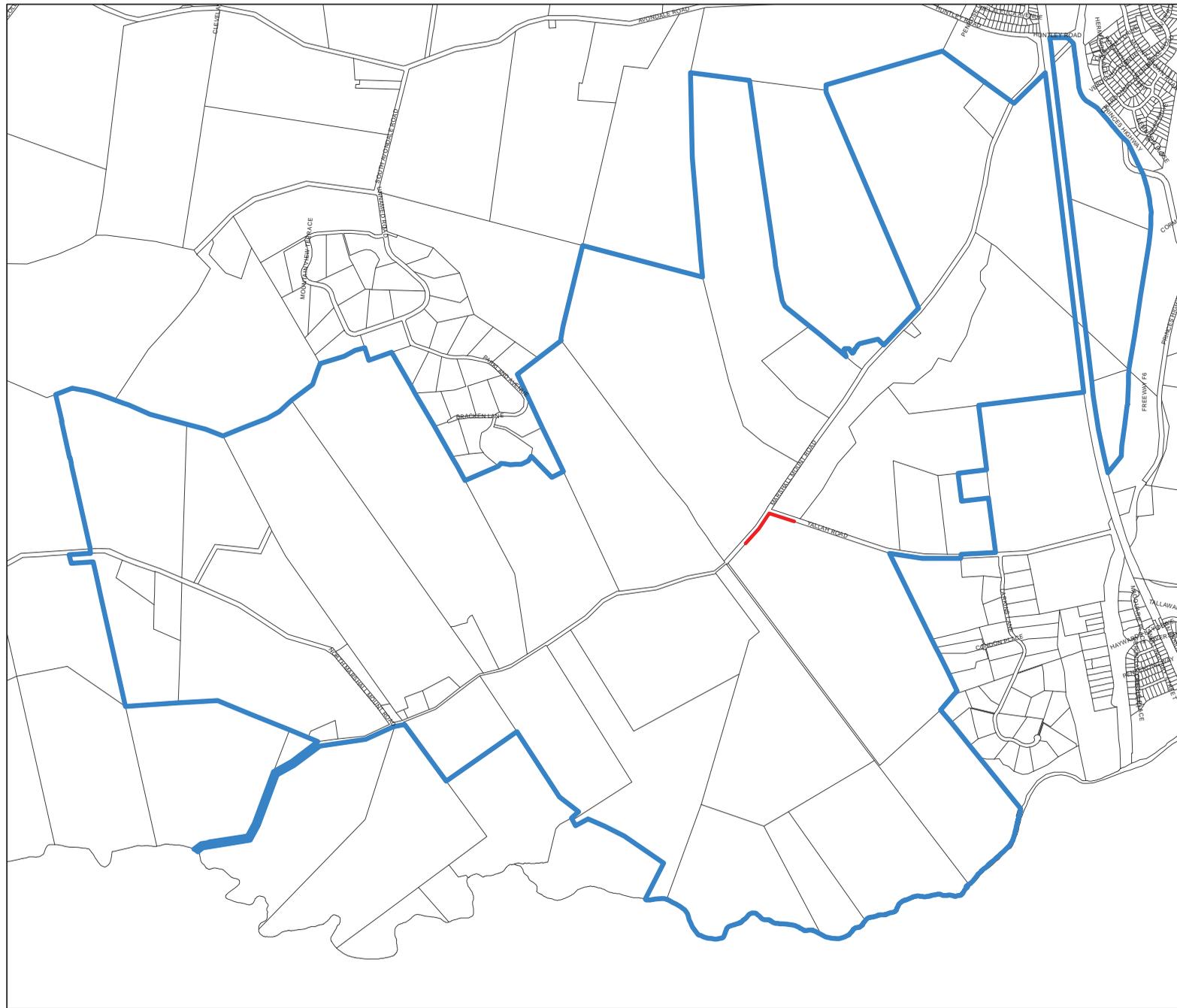
Date: 31 July 2013

Gis ref: Draft Heritage 31-07-13mxd

Active Street Frontages

Legend

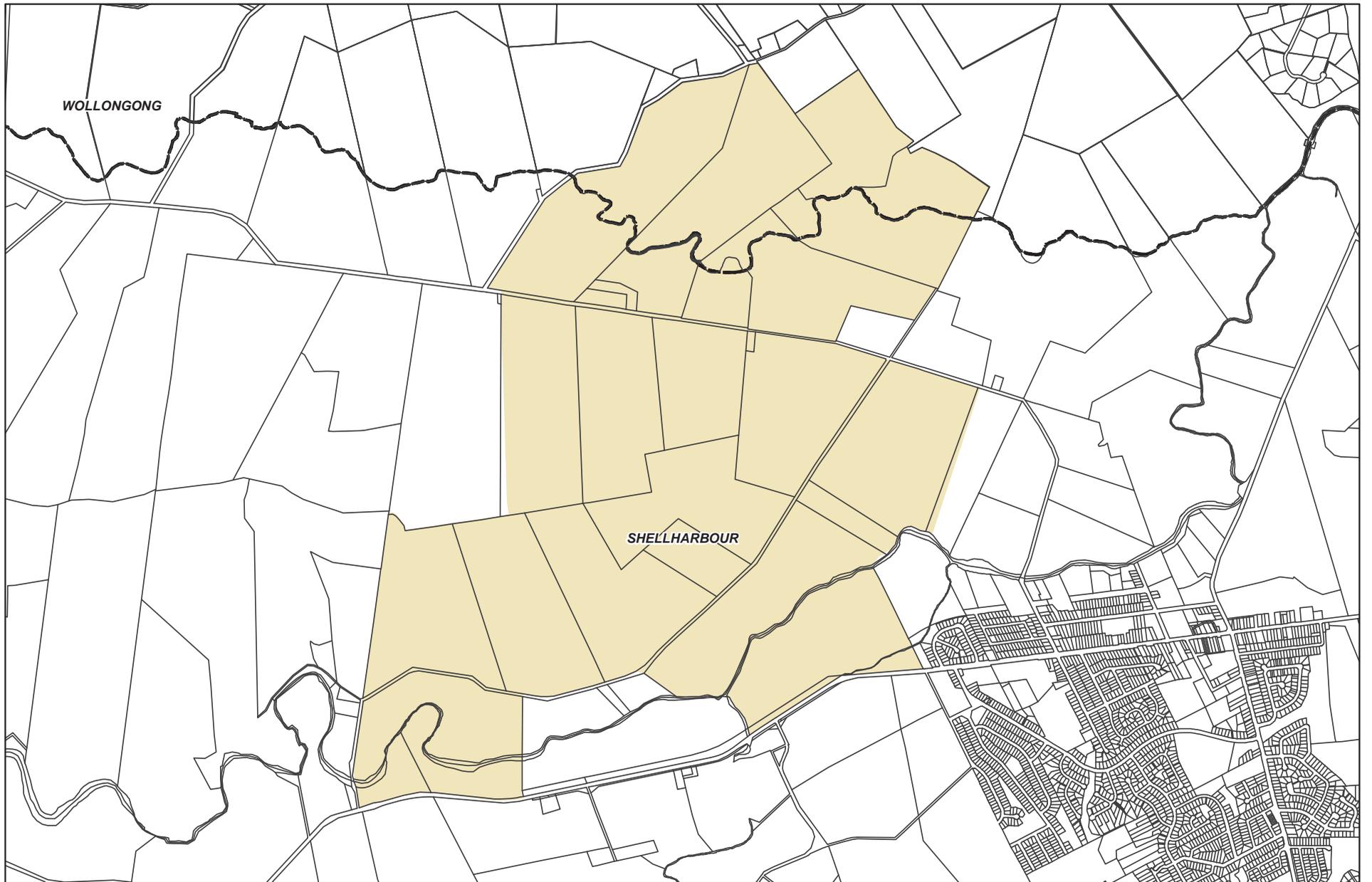
- Active Street Frontage
- Stage 5 Boundary



Drawn By: H. Jones

Date: 27-11-2013

Gis ref: Draft Active Street Frontages.mxd



WOLLONGONG

SHELLHARBOUR

Legend

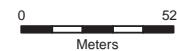
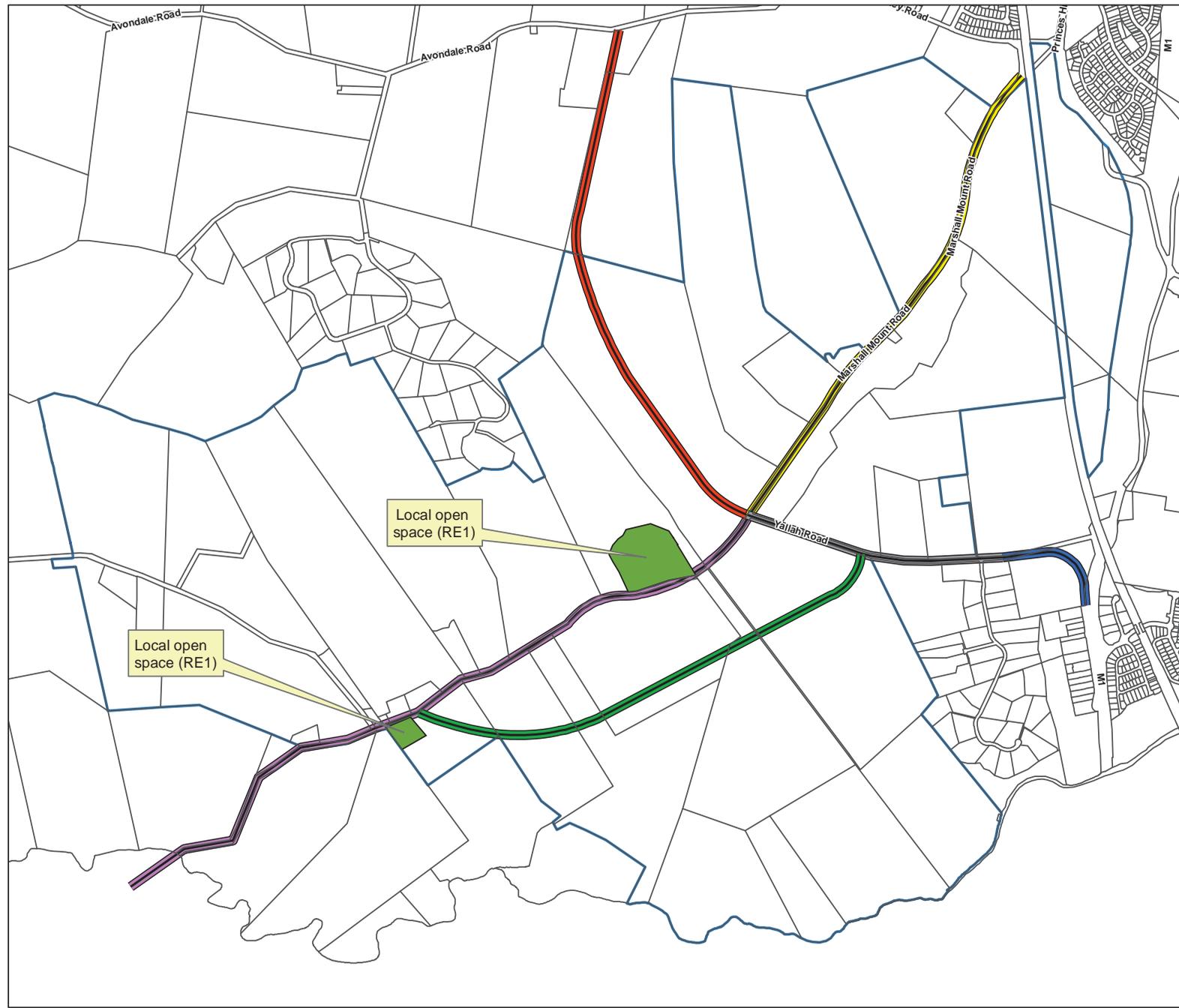
 SEPP - Calderwood

Scale 1:24,000 @ A3

Main Roads and Open Space

Legend

-  Active Open Space
-  Internal Link Rd
-  Marshall Mt Road Nth
-  Marshall Mt Road Sth
-  Road No. 8
-  Uncosted Road
-  Yallah Road
-  Stage 5 Boundary



Scale 1:16000 @A3

Drawn By: J Lewis

Date: 24.08.15

Gis ref: MainRoads_OpenSpace 240815.mxd

NET PRESENT VALUE (NPV) OF SOLAR PV SYSTEMS

Site	Recommended PV system size KW	Remaining Roof Life (years)	Total Net Present Value (NPV) of PV installation		Total Net Present Value (NPV) of PV installation		Total Net Present Value (NPV) of PV installation	
			Including STC Capital Cost \$2250/kW	Excluding STC Capital Cost \$3000/kW	Including STC Capital Cost \$1656/kW	Excluding STC Capital Cost \$2400/kW	Including STC Capital Cost \$1350/kW	Excluding STC Capital Cost \$2090/kW
Bulli (North Depot)	6	10	13,178	7,213	18,951	12,986	21,907	15,941
Wollongong Central Depot	50	25	5,685	-44,154	49,784	-55	73,362	22,523
Unanderra South Depot	9	10	23,628	14,680	32,287	23,340	36,721	27,773
Botanical Gardens	6	5	22,764	16,799	28,537	22,572	31,493	25,528
Beaton Park Leisure Centre	51	10	33,019	-17,830	78,000	27,150	101,030	50,180
Beaton Park Pool	14.5	10(15)	45,997	31,565	58,786	44,354	65,333	50,901
Dapto Ribbonwood Centre	100	20	65,622	-34,101	153,819	54,092	198,975	99,249
Windang Caravan Park	20	10	-13,432	-33,348	7,093	-12,823	17,602	-2,313
Total	256.5		196,465	-59,178	427,260	171,617	545,426	289,784

PROPOSED CITY CENTRE MAJOR PROJECTS STEERING COMMITTEE CHARTER – 14 SEPTEMBER 2015

(Amendments in Italics)

PURPOSE

Oversee the planning, progress and financial performance of major CBD projects (as determined by Council) and where required make decisions on planning, engagement and deployment issues relating to these projects within the adopted budget.

OBJECTIVES

On any major City Centre project that the Council so delegates, the Committee shall:

- Oversee project planning, engagement and deployment as reported by the project's Technical Working Group;
- Monitor project financial performance;
- Oversee the project risk management plan;
- Make decisions on project "matters for resolution" as required to ensure timely successful delivery of the project within budget.

MEMBERSHIP/REPRESENTATION

- Lord Mayor (Chair) and 4 Ward 2 Councillors.
- 2 Council officers nominated by the General Manager.

CODE OF CONDUCT AND CODE OF MEETING PRACTICE

- The term of appointment shall extend to *September 2016* and will be reviewed on an annual basis.
- Meetings will be as required to achieve the above objectives.
- A quorum will consist of half plus one.
- The Chair has no casting vote.
- In the absence of the Chair the meeting will appoint a chair.
- Councillors who are not members of the steering committee may attend meetings and may address the meeting at the invitation of the Chair but do not have a vote.
- Matters that are unable to be resolved by the committee (i.e. a tied vote) will be referred to Council for determination.

ACCOUNTABILITY

- Report via the minutes of the meeting to Councillors.
- Refer major project variations or budget variations to Council for determination.
- Present a final project report to Council.

ADMINISTRATIVE SUPPORT

The steering committee will be supported by Council's *Project Delivery* Division and the technical working group of the project it is overseeing.



INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP)

COMMITTEE CHARTER

BACKGROUND

Council resolved to adopt an IHAP on 27 May 2008 to provide transparency and probity in the development application assessment process and also provide an independent forum for stakeholders (applicants and objectors) to present and discuss issues relating to controversial development proposals. The IHAP is used in situations where additional rigor in the assessment process would add value and improve decision making without unnecessarily delaying the processing of routine applications which comply with adopted policies.

OBJECTIVE

To provide for the independent, transparent review and assessment of development applications which are consistent with Wollongong's Local Environmental Plans and Development Control Plans and to provide a forum for interested parties to be heard openly.

CHARTER STATEMENT

Wollongong City Council is committed to assisting the community with concerns that may arise from development applications where there is potential for the parties to benefit from participating in an open forum. This policy applies to the development application process and establishes the ground rules for IHAP. A formal IHAP process will ensure that all parties can be confident of an impartial, fair and transparent assessment process.

STATEMENT OF PROCEDURES

1.0 Purpose

An independent forum for stakeholders (applicants, the community and objectors) to submit and discuss issues relevant to the following types of Development Applications (except where the JRPP is the determining authority – see notes):

1.1 Class 2 to 9 buildings under the Building Code of Australia (BCA) including residential flat buildings, mixed use developments, multi dwelling housing, retail and commercial, industrial, motels, hospitals, clubs etc., with a construction cost greater than \$1 million and where Council has received five or more unresolved objections', ~~with the exception of:~~

~~i. Subdivision of existing or approved development;~~

~~ii. Change of use or fit out of a property/tenancy;~~

~~iii. Signage applications;~~

~~iv. Modifications of consent and alterations and additions (other than CL 1.9);~~

1.2 Subdivisions of land creating five or more lots and where Council has received five or more unresolved objections'.

~~1.3 Multi dwelling housing including townhouses and villas involving 5 or more dwelling units and where Council has received 5 or more unresolved objections'.~~

1.34 Applications involving variations to LEP development standards.

1.45 Applications involving a use only permitted after satisfying the provisions of clause 11 of Wollongong LEP 1990 and where Council has received 2 or more unresolved objections' ~~(This clause will cease to have effect upon notification of WLEP2009 on the NSW Legislation Website).~~

1.56 All development applications where Council is the owner of the land or where the Council holds a commercial interest and:

i. The application has a construction cost value greater than \$1 million; or

ii. Council has received five or more unresolved objections'

1.67 Applications lodged by a Councillor, ~~Administrator~~, State or Federal Member of Parliament, or Designated Council Officer directly involved in any aspect of development assessment, and also including senior management, and where Council has received two or more unresolved objections'.

1.78 Applications which are the subject of a Section 82A Review of Determination where the re are five or more unresolved objections. ~~original application had been~~

~~i. considered by IHAP or determined by full Council; or~~

~~ii. refused by staff under delegated authority and the S82A Review recommendation is also for refusal.~~

1.8 Applications made under S96 where there are application had been considered by IHAP or determined by full Council and where five or more unresolved objections' ~~were received.~~

1.9 Applications not captured by any of the above clauses which are deemed to be of significant community interest by either:

Four (4) Councillors notifying in writing or by email, or by

Written notification by both the General Manager and the Director Planning and Environment

Notes:

- Development applications will not be referred to the IHAP where the proposal is non-compliant with the LEP and DCP(s), or where fundamental information has been requested and not received and the application is determined by refusing consent.

¹ Note: Pro-forma letters, petitions, or multiple letters from a single address for the purposes of referral to the IHAP would be counted as one (1) objection.

The Joint Regional Planning Panel (JRPP) is the determining authority for development described by State Environmental Planning Policy (Major Development) 2005~~five~~ (SEPP (Major Development)). If there is an inconsistency between this Charter and the SEPP then the SEPP will prevail to the extent of any inconsistency. For clarification referrals are required by SEPP (Major Development) under Cl 13B(1)(b), (c) (d), (e) and 13(C).

The Panel assesses the proposal then submits a report and recommendation to the Council for determination. Applications considered by IHAP will be ~~deferred~~determined by full Council or under staff delegation (see section 9.0).

2.0 Objectives

2.1 To provide a forum for interested parties to be heard openly.

2.2 To independently review the assessment of development applications.

2.3 To provide increased transparency and an independent assessment of applications listed in Section 1.0 above.

2.4 To provide stakeholders with an increased sense of involvement in the outcomes of the assessment process in relation to the types of Development Applications listed in Section 1.0 above.

2.5 To achieve development outcomes consistent with Wollongong's Local Environmental Plan(s) (LEPs) and Development Control Plans (DCPs).

3.0 Outcomes

3.1 The process of review is undertaken in accordance with the requirements of Council's LEPs(s) and DCPs and relevant State planning controls and regulations.

3.2 The Panel of technical experts and community representatives independently reviews the assessment of the development.

4.0 Functions

4.1 To consider and make recommendations with supporting reasons for final determination by the Council on Development Applications listed in Section 1.0 above following Council assessment.

4.2 To openly discuss proposals and hear representations from applicants and objectors during the hearing.

4.3 To avoid any lobbying or external communication from applicants or objectors outside the forum of Panel hearings.

4.4 To take into account any relevant statutory planning instruments and/or Council policies and relevant Land & Environment Court Planning Principles.

4.5 To comply with statutory provisions, particularly the Local Government Act, 1993 and the Environmental Planning and Assessment Act, 1979.

4.6 To provide advice to Council and suggested policy changes in relation to planning controls and operational arrangements to be addressed following determination.

4.7 To vary meeting procedures in consultation with the Manager Development Assessment & Certification (DAC)City Planning.

4.8 To assess and recommend approval, refusal or deferral of applications referred to the Panel. The Panel may request additional information in circumstances where the information is fundamental to the determination of the proposal and such information has not previously been requested by Council staff.

5.0 Panel Appointment and Termination

5.1 The Panel shall consist of four (4) members. Three independent experts shall be drawn from the professional disciplines of law, urban design, town planning, architecture or the environment. One member is to be a representative from the Wollongong Community. The Chairperson of the Panel shall be an independent expert from one of the respective professional disciplines.

- 5.2 A pool of independent professional experts will be appointed by the General Manager, and selected for each meeting where possible on a rotational basis. Panel Members will be appointed on the basis of their qualifications and experience, and absence of any real or potential pecuniary or conflict of interest. Panel appointments require Council endorsement.
- 5.3 A pool of three (3) representatives from the community will be appointed by the General Manager, and the community panel representative for each meeting will be selected on a rotational basis.
- 5.4 If a nominated panel member is not available for a meeting an alternative will be selected by the Manager City Planning DAC. A reference to a member of the Panel includes a reference to the member's appointed alternate.
- 5.5 If a vacancy occurs in the membership of the Panel, the General Manager may appoint a person to fill the vacant position.
- 5.6 The Panel ~~shall members shall provide feedback meet annually with~~ to the Manager City Planning DAC to assist in any review of its meeting procedures, past recommendations and Council decisions to identify any improvements to procedures or decision making. This feedback will inform the annual review of the Code Charter and be reported to the Executive Management Committee and Council. At that time the Manager City Planning shall prepare a report to the Executive Management Committee providing an assessment of the operation of the Panel and any suggestions for improvement. All panel members are to be involved in this report.
- 6.0 Meeting Notification and Reporting
- 6.1 Agendas for meetings of the Panel shall include information on meeting date, venue, business proposed to be conducted at the hearing and contain reports prepared by Council Assessment Officers or independent consultants.
- 6.2 Agendas shall be made available to Panel Members five-seven days prior to the meeting in hard copy or electronic format.
- 6.3 Agendas will be made available to Councillors/Administrators and members of the public five-seven days prior to the meeting.
- 6.4 The Manager City Planning DAC shall hold Panel Hearings as required.
- 6.5 The Panel shall provide reports in accordance with the template provided.
- 6.6 The Manager City Planning DAC will provide a report summarising the Panel's report and Council Officer's report.
- 6.7 Electronic meeting may be held as determined by the Manager DAC. Electronic means may include telephone, email, or videoconference. A circumstance where an electronic meeting may be appropriate includes; where the IHAP referral triggers are met and where the assessment report recommends approval and there are no submissions by way of objection. Normal procedures will still apply to electronic meetings as relevant.
- 7.0 Site Inspections and Public Hearing Procedures
- 7.1 The Panel shall attend site inspections of applications to be considered at the public hearing, on the day of the scheduled hearing ~~and shall arrive at the Council Administration Building at 3.00pm, or at a later time determined by Manager City Planning DAC, for commencement of those inspections.~~
- 7.2 Site inspections, including transportation, shall be organised by the Senior Council Assessment Officer and/or Manager who will also accompany Panel members on inspections.
- 7.3 Prior to the public hearing, and as part of the site inspection arrangements, the assessment officer and/or Manager will attend to answer and clarify any issues within the assessment report or raised by Panel members from the site inspection.
- 7.4 Following site inspection the Panel shall convene the public hearing. The meeting shall proceed without adherence to formal rules of debate. Questions arising shall be determined by a majority of votes of members present and voting. If votes are tied the Chairperson has a casting vote. The Panel shall regulate its own proceedings subject to the charter provisions.
- 7.5 A minimum of three (3) Panel members shall form a quorum and any duly convened hearing at which

a quorum is present shall be competent to perform the Panel's functions.

- 7.6 The first item of business at Panel Inspections and Public Hearings will be Panel members declaring any pecuniary or conflicts of interest that may prevent them from participating in or considering any particular item on the agenda. A Panel member having declared a pecuniary interest, or a conflict of interest that prevents them from participating in the item, shall not attend the site inspection or public hearing associated with the item or participate in discussion or voting on the item.
- 7.7 Submissions by the applicant and objectors will be considered at the hearing. An objector is deemed to be a person who has made a written submission in respect to the application. The Panel shall, upon request, hear submissions from persons who identify prior to a hearing that they wish to make a submission to be considered by the Panel.
- 7.8 Where there are a large number of persons making submissions with common interests, the Panel shall have the discretion to hear a representative of those persons. The applicant is the person nominated on the development application form as applicant. Consultants and legal representatives of the applicant will be permitted to address the Panel at the discretion of the Chairperson. Where an issue of legal interpretation arises the chair may refer the matter to the Manager [City Planning DAC](#) for advice.
- 7.9 Presentations to the Panel by the applicant and objectors shall be restricted to ~~3~~five minutes each. The Panel Chairperson has the discretion to extend the period if considered appropriate.
- 7.10 A senior council assessment officer and/or Manager nominated by the Manager [City Planning DAC](#) will be available at the hearing to provide professional assistance and advice to the Panel members on Council planning provisions and policies.
- 7.11 The Panel shall not receive substantive additional information that amends the application.
- 8.0 Assessment Procedures
- 8.1 On conclusion of the public hearing, the Panel will convene in private, agree on its findings and recommendations and record the findings and recommendations in a standard format for presentation to Council.
- 8.2 The Panel's recommendation can be for approval, refusal, or deferral pending the submission of additional information if such information has not been previously requested by Council's staff.
- 8.3 If the Panel recommends approval of the application, the Panel shall either endorse the conditions provided by the Officer or add or delete conditions.
- 8.4 If the Panel recommends refusal of the application, the Panel findings shall clearly indicate the changes in the application necessary to achieve compliance with statutory planning instruments. The Panel shall also provide and justify reasons for refusal - such must be capable of being defended in the Land & Environment Court if an appeal is lodged against a Council refusal.
- 8.5 If the Panel recommends deferral to the Manager [City Planning DAC](#), the Panel findings and recommendation must explicitly state the issues to be addressed by the applicant or the Council
- 8.6 Panel members will be notified of Council decisions on applications considered by the Panel.
- 9.0 Determination
- 9.1 Following receipt of Panel recommendations the application ~~will~~may be determined by full Council or by Council's General Manager, ~~or~~ under delegated authority.
- 9.2 An application that has been considered by IHAP may be determined under delegated authority, but only where:
- ~~• The IHAP concurs with the staff report recommendation and may include additional or amended conditions of consent or reasons for refusal; or~~
 - ~~• The IHAP recommends deferral of the application for amendments without requiring the application to be returned to a future IHAP; and~~
 - ~~• The application proposes variation/s to any development standard of not more than 10% or in case where this is more than 10% only when the written concurrence of the NSW Department of Planning has been obtained; and~~
 - The determination by Council Officers under delegation is consistent with the IHAP recommendations

All other applications will be referred to full Council for determination.

10 Panel Members Remuneration

- 10.1 Remuneration payable to Panelists to attend each hearing and assessment meeting, including site inspections prior to meetings, shall be determined by the General Manager on an annual basis as part of the Council Budgetary process. A fixed fee, inclusive of GST, shall be set for each hearing and assessment meeting, including travel, reading time, site inspections and the panel meeting.

CODE OF CONDUCT

Council seeks the highest ethical standards in delivering services to its community. This Code of Conduct ("the IHAP Code") applies to all Panel Members when exercising or purporting, at all times, to exercise their duties, responsibilities and functions under the Charter.

It is designed to assist in maintaining the reputation and integrity of the Panel and to provide a basis for fair dealings and reaching findings and making recommendations on matters before it.

This Code is to be read in conjunction with the IHAP Charter and Council's general Code of Conduct.

Panel Members Responsibilities

Panel Members must:

- act in accordance with the requirements of the law, the IHAP Charter and this Code;
- act in an appropriate way toward the public, staff of the Council and other Members of the Panel; and
- act in the best interests of the Wollongong community.

Panel Members Interaction with Councillors, Council Staff and Applicants / Representors

Panel Members may approach and liaise with Council staff nominated by the General Manager to assist the Panel to obtain information and clarify matters relating to their duties, responsibilities and functions and matters before them. Panel Members shall not issue directions to or order Council staff to carry out any direction on any matter whatsoever.

Panel Members must not approach an applicant or representor, or if approached by an applicant or representor must not discuss any application which is either before the Panel or will come before the Panel at some future time, except during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the Panel.

Panel Members must not approach a Councillor, or if approached by a Councillor must not discuss any application which is either before the Panel or will come before the Panel at some future time, except during the course of 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 hearing in their private capacity.

Conflicts of Interest and Disclosure at Meetings

Panel Members must:

- consider and comply with all disclosure requirements under this Code including but not limited to disclosing interests arising out of a personal and/or pecuniary nature and of a direct and/or indirect nature and if a conflict exists or arises, shall disclose the nature and extent of such interest and conflict in accordance with the provisions below;
- ensure no conflict exists for Members, or those people closely associated with them, which could lead to a conflict with the impartial performance of the duties; and
- consider both perceived and actual conflicts for the purposes of this clause.

Pecuniary interest and non pecuniary conflict of interest are defined as follows

Pecuniary Interest	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 or another person with whom the person is associated.
Non-pecuniary interest	a private or personal interest the person has that does not amount to a pecuniary interest as defined in the Act (for example; a friendship, membership of an association, society or trade union or involvement or interest in an activity).

Pecuniary Interest

Panel members shall adhere to the Memorandum of Understanding signed with the Council acknowledging and accepting that if the Panel member has a pecuniary interest in any matter (as defined in sections 442 and 443 of the Local Government Act, 1993, or otherwise defined in the Council's Code of Conduct) to be considered by a meeting of the Panel, then:

- (i) upon being notified of a draft list of agenda items, if a Panel member identifies a possible or actual pecuniary interest the Panel member shall withdraw as nominated Panel member for that meeting and an alternative shall be invited to attend.
- (ii) at the Panel meeting, if a Panel member identifies a possible or actual pecuniary interest the Panel member will immediately disclose the nature of that interest prior to any consideration of the matter, and
- (iii) will not be present at or in the sight of the meeting of the Panel at any time during which the matter is being considered or discussed by the Panel.

A Panel member having declared a pecuniary interest shall not attend the site inspection or public hearing associated with the item or participate in discussion or voting on the item. The first item of business at Panel Inspections and Public Hearings will be Panel members declaring any pecuniary interest that may prevent them from participating in or considering any item on the agenda. If at any time during a Panel meeting, either at the pre-hearing inspection, or at the public hearing, or during consideration of the item in closed session, a Panel member identifies a possible or actual pecuniary interest the Panel member shall immediately notify the Chair and withdraw from the meeting during the consideration of that item.

Non Pecuniary Conflict of Interest

If at any time, upon notification of the draft list of agenda items, at pre hearing inspections, public hearing or consideration of an item in closed session, a Panel member identifies a possible or actual non pecuniary conflict of interest the Panel member shall consider whether it is significant enough to withdraw from consideration of the item and if so shall notify and withdraw as nominated Panel member for that meeting or item.

If having declared a non-pecuniary conflict of interest a Panel member has a broad range of options for managing the conflict. The option chosen will depend on an assessment of the circumstances of the matter, the nature of your interest and the significance of the issue being dealt with. Non-pecuniary conflict of interests must be dealt with in at least one of these ways:

- It may be appropriate that no action is taken where the potential for conflict is minimal or can be eliminated by disclosure. However, you should provide an explanation of why you consider a conflict does not exist.
- Limit involvement if practical (for example, participate in discussion but not in decision making or vice-versa). Take care when exercising this option.
- Remove the source of the conflict, for example, relinquishing or divesting the personal interest that creates the conflict.
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue or restrict your access to all relevant information.

Information to Guide decisions about conflict of interests

There are a number of questions that you can ask yourself to help in deciding whether or not you have a conflict of interest or whether your behaviour could create the impression that there is a conflict and so undermine the confidence in the Panel. These questions are:

- Do I, a relative, friend or associate stand to gain or lose financially from council's decision or action on this matter?
- Do I, a relative, friend or associate stand to gain or lose my/our reputation because of Council's decision or action?
- Have I contributed in a private capacity in any way to the matter before council?
- Have I made any promises or commitments in relation to the matter?
- Have I received a benefit or hospitality from someone who stands to gain or lose from Council's decision or action?
- Am I a member of an association, club or professional organisation, or do I have particular ties and affiliations with organisations or individuals, who stand to gain or lose from Council's consideration of the matter?
- Could there be benefits for me in the future that could cast doubt on my objectivity?
- If I do participate in assessment, would I be happy if my colleagues and the public became aware of my association or connection?
- Would a fair and reasonable person perceive that I was influenced by personal interest in performing my duty?
- Do I need to seek advice or discuss the matter with an objective party?
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Other Business or Employment

Public perception of bias/conflict of interest requires that Panel members not engage in any of the following while they are members of IHAP:

- Appearing for or against Council in development matters, for example, as consultants acting on behalf of applicants or Council, giving evidence in Court for or against Council;
- Making representations to IHAP on behalf of others, for example, making a submission in support of a development, or on behalf of an objector;
- Making representations to Council in relation to planning and development matters, for example, supporting an application for a rezoning; or
- Deriving income (other than remuneration for being an IHAP panel member) through contracts with Council.

Any other work conducted within the Wollongong LGA shall be the subject of a declaration of interest in accordance with this Code.

Gifts & Benefits

Panel Members must never receive, accept, demand, solicit, request or accept a gift or benefit in connection with their duties on the Panel. Facilities, transportation, equipment, meals, etc., provided by Council as part of panel meetings shall not be considered as gifts or benefits under this part.

Resources

Panel Members must use resources provided by the Council in an effective and efficient manner; and not use such resources for private purposes.

Use of Information /Confidentiality

Panel Members must:

- not use information obtained in the course of carrying out their duties for anything other than for exercising their functions, powers and duties for the Panel.
- keep information obtained or provided confidentially, confidential.
- determine what information and material is to be retained by Members (and the Panel) and how it is to be treated for the purposes of retention.

Public Comment

The Chair of the Panel is not authorised to speak publicly to the media and address the public on behalf of the Panel, except with the permission of the General Manager. No Panel Member may make any comment to the media or the public in relation to any matter before the Panel or any recommendation of the Panel.

Treatment and Respect of Other Members and Public

Panel Members must:

- act fairly and honestly towards other Members of the Panel and the public;
- show respect for the opinions of other Members of the Panel; and
- show respect and consideration to applicants and members of the public.

Findings and Recommendations

Panel Members shall at all times when assessing matters;

- act in accordance with the law;
- act in accordance with the Charter;
- act reasonably, justly and in a non-discriminatory manner;
- deal with all matters before the Panel in a consistent manner; • only take relevant information into account; and
- act reasonably and in good faith and not for an improper purpose, ulterior purpose or on irrelevant grounds.

Breach of Code

Misconduct

Where any complaint alleging misconduct by a Panel Member is made, the complaint is to be made in writing to the General Manager or Council's Public Officer and must identify the part of this Code or the Charter alleged to have been breached, including the reasons in support of the alleged breach, and be signed by the complainant. Anonymous complaints need not be investigated, but the General Manager has the discretion to determine what action if any will be taken. Upon receipt of a written complaint alleging misconduct, the General Manager shall take such action as appropriate.

Corrupt and Unlawful Conduct

Panel Members must not engage in corrupt conduct (as defined in the ICAC Act) or unlawful conduct and must report any actual or potential corrupt or unlawful conduct to the General Manager or Public Officer of the Council in accordance with the procedures set out in this Code. All deliberations relating to an investigation shall be conducted in strict confidence.

Sanctions for Breach of Code of Conduct

Having regard to the nature of the findings after the investigation, action including but not limited to the following may be taken by the General Manager:

- counselling of the member;
- suspension from the Panel;
- suspension from hearing a particular matter;
- removal from the Panel;
- report to another authority.

REVIEW OF ~~Code~~ IHAP CHARTER

~~This Code Charter shall be subject to a mid-term review during each term of Council reviewed annually by the Manager City Planning DAC, with the assistance of the Panel and reported to the Executive Management Committee and Council.~~



INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP)

COMMITTEE CHARTER

BACKGROUND

Council resolved to adopt an IHAP on 27 May 2008 to provide transparency and probity in the development application assessment process and also provide an independent forum for stakeholders (applicants and objectors) to present and discuss issues relating to controversial development proposals. The IHAP is used in situations where additional rigor in the assessment process would add value and improve decision making without unnecessarily delaying the processing of routine applications which comply with adopted policies.

OBJECTIVE

To provide for the independent, transparent review and assessment of development applications which are consistent with Wollongong's Local Environmental Plans and Development Control Plans and to provide a forum for interested parties to be heard openly.

CHARTER STATEMENT

Wollongong City Council is committed to assisting the community with concerns that may arise from development applications where there is potential for the parties to benefit from participating in an open forum. This policy applies to the development application process and establishes the ground rules for IHAP. A formal IHAP process will ensure that all parties can be confident of an impartial, fair and transparent assessment process.

STATEMENT OF PROCEDURES

1.0 Purpose

An independent forum for stakeholders (applicants, the community and objectors) to submit and discuss issues relevant to the following types of Development Applications (except where the JRPP is the determining authority – see notes):

- 1.1 Class 2 to 9 buildings under the Building Code of Australia (BCA) including residential flat buildings, mixed use developments, multi dwelling housing, retail and commercial, industrial, motels, hospitals, clubs etc., with a construction cost greater than \$1 million and where Council has received five or more unresolved objections¹;
- 1.2 Subdivisions of land creating five or more lots and where Council has received five or more unresolved objections¹.
- 1.3 Applications involving variations to LEP development standards.
- 1.4 Applications involving a use only permitted after satisfying the provisions of clause 11 of Wollongong LEP 1990 and where Council has received 2 or more unresolved objections¹.
- 1.5 All development applications where Council is the owner of the land or where the Council holds a commercial interest and:
 - i. The application has a construction cost value greater than \$1 million; or
 - ii. Council has received five or more unresolved objections¹
- 1.6 Applications lodged by a Councillor, State or Federal Member of Parliament, or Designated Council Officer directly involved in any aspect of development assessment, and also including senior management, and where Council has received two or more unresolved objections¹.
- 1.7 Applications which are the subject of a Section 82A Review of Determination where there are five or more unresolved objections.
- 1.8 Applications made under S96 where there are five or more unresolved objections¹.
- 1.9 Applications not captured by any of the above clauses which are deemed to be of significant community interest by either:

Four (4) Councillors notifying in writing or by email, or by
Written notification by both the General Manager and the Director Planning and Environment

Notes:

- Development applications will not be referred to the IHAP where the proposal is non-compliant with the LEP and DCP(s), or where fundamental information has been requested and not received and the application is determined by refusing consent.

¹ Note: Pro-forma letters, petitions, or multiple letters from a single address for the purposes of referral to the IHAP would be counted as one (1) objection.

The Joint Regional Planning Panel (JRPP) is the determining authority for development described by State Environmental Planning Policy (Major Development) 2005 (SEPP (Major Development)). If there is an inconsistency between this Charter and the SEPP then the SEPP will prevail to the extent of any inconsistency. For clarification referrals are required by SEPP (Major Development) under Cl 13B(1)(b), (c) (d), (e) and 13(C).

The Panel assesses the proposal then submits a report and recommendation to the Council for determination. Applications considered by IHAP will be determined by full Council or under staff delegation (see section 9.0).

2.0 Objectives

- 2.1 To provide a forum for interested parties to be heard openly.
- 2.2 To independently review the assessment of development applications.
- 2.3 To provide increased transparency and an independent assessment of applications listed in Section 1.0 above.
- 2.4 To provide stakeholders with an increased sense of involvement in the outcomes of the assessment process in relation to the types of Development Applications listed in Section 1.0 above.
- 2.5 To achieve development outcomes consistent with Wollongong's Local Environmental Plan(s) (LEPs) and Development Control Plans (DCPs).

3.0 Outcomes

- 3.1 The process of review is undertaken in accordance with the requirements of Council's LEPs(s) and DCPs and relevant State planning controls and regulations.
- 3.2 The Panel of technical experts and community representatives independently reviews the assessment of the development.

4.0 Functions

- 4.1 To consider and make recommendations with supporting reasons for final determination by the Council on Development Applications listed in Section 1.0 above following Council assessment.
- 4.2 To openly discuss proposals and hear representations from applicants and objectors during the hearing.
- 4.3 To avoid any lobbying or external communication from applicants or objectors outside the forum of Panel hearings.
- 4.4 To take into account any relevant statutory planning instruments and/or Council policies and relevant Land & Environment Court Planning Principles.
- 4.5 To comply with statutory provisions, particularly the Local Government Act, 1993 and the Environmental Planning and Assessment Act, 1979.
- 4.6 To provide advice to Council and suggested policy changes in relation to planning controls and operational arrangements to be addressed following determination.
- 4.7 To vary meeting procedures in consultation with the Manager Development Assessment & Certification (DAC).
- 4.8 To assess and recommend approval, refusal or deferral of applications referred to the Panel. The Panel may request additional information in circumstances where the information is fundamental to the determination of the proposal and such information has not previously been requested by Council staff.

5.0 Panel Appointment and Termination

- 5.1 The Panel shall consist of four (4) members. Three independent experts shall be drawn from the professional disciplines of law, urban design, town planning, architecture or the environment. One member is to be a representative from the Wollongong Community. The Chairperson of the Panel shall be an independent expert from one of the respective professional disciplines.

- 5.2 A pool of independent professional experts will be appointed by the General Manager, and selected for each meeting where possible on a rotational basis. Panel Members will be appointed on the basis of their qualifications and experience, and absence of any real or potential pecuniary or conflict of interest. Panel appointments require Council endorsement.
- 5.3 A pool of three (3) representatives from the community will be appointed by the General Manager, and the community panel representative for each meeting will be selected on a rotational basis.
- 5.4 If a nominated panel member is not available for a meeting an alternative will be selected by the Manager DAC. A reference to a member of the Panel includes a reference to the member's appointed alternate.
- 5.5 If a vacancy occurs in the membership of the Panel, the General Manager may appoint a person to fill the vacant position.
- 5.6 The Panel members shall provide feedback to the Manager DAC to assist in any review of its meeting procedures, past recommendations and Council decisions to identify any improvements to procedures or decision making. This feedback will inform the annual review of the Charter and be reported to the Executive Management Committee and Council. .
- 6.0 Meeting Notification and Reporting
- 6.1 Agendas for meetings of the Panel shall include information on meeting date, venue, business proposed to be conducted at the hearing and contain reports prepared by Council Assessment Officers or independent consultants.
- 6.2 Agendas shall be made available to Panel Members seven days prior to the meeting in hard copy or electronic format.
- 6.3 Agendas will be made available to Councillors/Administrators and members of the public seven days prior to the meeting.
- 6.4 The Manager DAC shall hold Panel Hearings as required.
- 6.5 The Panel shall provide reports in accordance with the template provided.
- 6.6 The Manager DAC will provide a report summarising the Panel's report and Council Officer's report.
- 6.7 Electronic meeting may be held as determined by the Manager DAC. Electronic means may include telephone, email, or videoconference. A circumstance where an electronic meeting may be appropriate includes; where the IHAP referral triggers are met and where the assessment report recommends approval and there are no submissions by way of objection.
Normal procedures will still apply to electronic meetings as relevant.
- 7.0 Site Inspections and Public Hearing Procedures
- 7.1 The Panel shall attend site inspections of applications to be considered at the public hearing, on the day of the scheduled hearing.
- 7.2 Site inspections, including transportation, shall be organised by the Senior Council Assessment Officer and/or Manager who will also accompany Panel members on inspections.
- 7.3 Prior to the public hearing, and as part of the site inspection arrangements, the assessment officer and/or Manager will attend to answer and clarify any issues within the assessment report or raised by Panel members from the site inspection.
- 7.4 Following site inspection the Panel shall convene the public hearing. The meeting shall proceed without adherence to formal rules of debate. Questions arising shall be determined by a majority of votes of members present and voting. If votes are tied the Chairperson has a casting vote. The Panel shall regulate its own proceedings subject to the charter provisions.
- 7.5 A minimum of three (3) Panel members shall form a quorum and any duly convened hearing at which a quorum is present shall be competent to perform the Panel's functions.
- 7.6 The first item of business at Panel Inspections and Public Hearings will be Panel members declaring any pecuniary or conflicts of interest that may prevent them from participating in or considering any particular item on the agenda. A Panel member having declared a pecuniary interest, or a conflict of interest that prevents them from participating in the item, shall not attend the site inspection or

public hearing associated with the item or participate in discussion or voting on the item.

- 7.7 Submissions by the applicant and objectors will be considered at the hearing. An objector is deemed to be a person who has made a written submission in respect to the application. The Panel shall, upon request, hear submissions from persons who identify prior to a hearing that they wish to make a submission to be considered by the Panel.
 - 7.8 Where there are a large number of persons making submissions with common interests, the Panel shall have the discretion to hear a representative of those persons. The applicant is the person nominated on the development application form as applicant. Consultants and legal representatives of the applicant will be permitted to address the Panel at the discretion of the Chairperson. Where an issue of legal interpretation arises the chair may refer the matter to the Manager DAC for advice.
 - 7.9 Presentations to the Panel by the applicant and objectors shall be restricted to five minutes each. The Panel Chairperson has the discretion to extend the period if considered appropriate.
 - 7.10 A senior council assessment officer and/or Manager nominated by the Manager DAC will be available at the hearing to provide professional assistance and advice to the Panel members on Council planning provisions and policies.
 - 7.11 The Panel shall not receive substantive additional information that amends the application.
 - 8.0 Assessment Procedures
 - 8.1 On conclusion of the public hearing, the Panel will convene in private, agree on its findings and recommendations and record the findings and recommendations in a standard format for presentation to Council.
 - 8.2 The Panel's recommendation can be for approval, refusal, or deferral pending the submission of additional information if such information has not been previously requested by Council's staff.
 - 8.3 If the Panel recommends approval of the application, the Panel shall either endorse the conditions provided by the Officer or add or delete conditions.
 - 8.4 If the Panel recommends refusal of the application, the Panel findings shall clearly indicate the changes in the application necessary to achieve compliance with statutory planning instruments. The Panel shall also provide and justify reasons for refusal - such must be capable of being defended in the Land & Environment Court if an appeal is lodged against a Council refusal.
 - 8.5 If the Panel recommends deferral to the Manager DAC, the Panel findings and recommendation must explicitly state the issues to be addressed by the applicant or the Council
 - 8.6 Panel members will be notified of Council decisions on applications considered by the Panel.
 - 9.0 Determination
 - 9.1 Following receipt of Panel recommendations the application may be determined by full Council or by Council's General Manager, or under delegated authority.
 - 9.2 An application that has been considered by IHAP may be determined under delegated authority, but only where:
 - The determination by Council Officers under delegation is consistent with the IHAP recommendations
- All other applications will be referred to full Council for determination.

10 Panel Members Remuneration

- 10.1 Remuneration payable to Panelists to attend each hearing and assessment meeting, including site inspections prior to meetings, shall be determined by the General Manager on an annual basis as part of the Council Budgetary process. A fixed fee, inclusive of GST, shall be set for each hearing and assessment meeting, including travel, reading time, site inspections and the panel meeting.

CODE OF CONDUCT

Council seeks the highest ethical standards in delivering services to its community. This Code of Conduct ("the IHAP Code") applies to all Panel Members when exercising or purporting, at all times, to exercise their duties, responsibilities and functions under the Charter.

It is designed to assist in maintaining the reputation and integrity of the Panel and to provide a basis for fair dealings and reaching findings and making recommendations on matters before it.

This Code is to be read in conjunction with the IHAP Charter and Council's general Code of Conduct.

Panel Members Responsibilities

Panel Members must:

- act in accordance with the requirements of the law, the IHAP Charter and this Code;
- act in an appropriate way toward the public, staff of the Council and other Members of the Panel; and
- act in the best interests of the Wollongong community.

Panel Members Interaction with Councillors, Council Staff and Applicants / Representors

Panel Members may approach and liaise with Council staff nominated by the General Manager to assist the Panel to obtain information and clarify matters relating to their duties, responsibilities and functions and matters before them. Panel Members shall not issue directions to or order Council staff to carry out any direction on any matter whatsoever.

Panel Members must not approach an applicant or representor, or if approached by an applicant or representor must not discuss any application which is either before the Panel or will come before the Panel at some future time, except during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the Panel.

Panel Members must not approach a Councillor, or if approached by a Councillor must not discuss any application which is either before the Panel or will come before the Panel at some future time, except during the course of 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 hearing in their private capacity.

Conflicts of Interest and Disclosure at Meetings

Panel Members must:

- consider and comply with all disclosure requirements under this Code including but not limited to disclosing interests arising out of a personal and/or pecuniary nature and of a direct and/or indirect nature and if a conflict exists or arises, shall disclose the nature and extent of such interest and conflict in accordance with the provisions below;
- ensure no conflict exists for Members, or those people closely associated with them, which could lead to a conflict with the impartial performance of the duties; and
- consider both perceived and actual conflicts for the purposes of this clause.

Pecuniary interest and non pecuniary conflict of interest are defined as follows

Pecuniary Interest	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 or another person with whom the person is associated.
Non-pecuniary interest	a private or personal interest the person has that does not amount to a pecuniary interest as defined in the Act (for example; a friendship, membership of an association, society or trade union or involvement or interest in an activity).

Pecuniary Interest

Panel members shall adhere to the Memorandum of Understanding signed with the Council acknowledging and accepting that if the Panel member has a pecuniary interest in any matter (as defined in sections 442 and 443 of the Local Government Act, 1993, or otherwise defined in the Council's Code of Conduct) to be considered by a meeting of the Panel, then:

- (i) upon being notified of a draft list of agenda items, if a Panel member identifies a possible or actual pecuniary interest the Panel member shall withdraw as nominated Panel member for that meeting and an alternative shall be invited to attend.
- (ii) at the Panel meeting, if a Panel member identifies a possible or actual pecuniary interest the Panel member will immediately disclose the nature of that interest prior to any consideration of the matter, and
- (iii) will not be present at or in the sight of the meeting of the Panel at any time during which the matter is being considered or discussed by the Panel.

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Non Pecuniary Conflict of Interest

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If having declared a non-pecuniary conflict of interest a Panel member has a broad range of options for managing the conflict. The option chosen will depend on an assessment of the circumstances of the matter, the nature of your interest and the significance of the issue being dealt with. Non-pecuniary conflict of interests must be dealt with in at least one of these ways:

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- Have I received a benefit or hospitality from someone who stands to gain or lose from Council's decision or action?
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The Chair of the Panel is not authorised to speak publicly to the media and address the public on behalf of the Panel, except with the permission of the General Manager. No Panel Member may make any comment to the media or the public in relation to any matter before the Panel or any recommendation of the Panel.

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Panel Members must:

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Panel Members must not engage in corrupt conduct (as defined in the ICAC Act) or unlawful conduct and must report any actual or potential corrupt or unlawful conduct to the General Manager or Public Officer of the Council in accordance with the procedures set out in this Code. All deliberations relating to an investigation shall be conducted in strict confidence.

Sanctions for Breach of Code of Conduct

Having regard to the nature of the findings after the investigation, action including but not limited to the following may be taken by the General Manager:

- counselling of the member;
- suspension from the Panel;
- suspension from hearing a particular matter;
- removal from the Panel;
- report to another authority.

REVIEW OF IHAP CHARTER

The Charter shall be subject to a mid-term review during each term of Council.

BACKGROUND

This policy has been developed in order to ~~[[list reason for policy]].~~ promote a positive inclusive workplace free from discrimination, bullying and harassment.

Bullying, harassment, sexual harassment, racial discrimination, stereotyping cultures or behaviour, and intimidation are all behaviours that unfortunately exist in the workplace. ~~They need to be faced up to firmly and positively addressed.~~

It is the responsibility of everyone who is a part of, or associated with Council to eliminate such behaviours to create a positive and constructive culture for all to enjoy at work.

OBJECTIVE

The objective of this policy is to provide information and set boundaries for employees, Councillors, consultants and volunteers in terms of appropriate and acceptable behaviour in the workplace.

POLICY STATEMENT

This policy aims to create a positive, respectful and productive working environment. In the corporate world a great deal of focus is on the skills and approaches in getting people to work together more effectively. It is important that we expend time and energy on building teams and creating an effective organisation. Yet we must also be alert to those systems and behaviours that create barriers between employees.

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STATEMENT OF PROCEDURES

SUMMARY

Wollongong City Council (WCC) is committed to providing a safe and harassment free workplace for employees, Councillors, consultants and volunteers.

You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to, harassment and discrimination on the grounds of sex, pregnancy, age, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, homosexuality, transgender or carers responsibility. It is the responsibility of everyone who is a part of, or associated with Council to eliminate such behaviours to create a positive and constructive culture for all to enjoy at work.

If you experience or witness bullying or harassment, you should report the behaviour immediately to a Supervisor, Manager, Director, the General Manager or the Manager Human Resources.

Council has a duty of care and needs to balance confidentiality on these issues with its legislative obligations. All endeavours will be made to maintain confidentiality.

INTRODUCTION

This policy has been developed recognising the need to reflect Council's commitment to fairness, equal employment opportunity (EEO) legislation and integrity in the workplace, ~~however Council believes that this is only the first step.~~ By developing a progressive culture of fairness and integrity, the benefits will flow onto our community through employees who are treated fairly and equitably in the workplace.

1 PURPOSE OF POLICY

The purpose of this policy is to:

- 1 Make employees, Councillors, consultants and volunteers aware of what constitutes harassment, discrimination and workplace bullying, and their responsibilities in preventing and managing such incidents;
- 2 Provide employees, Councillors, consultants and volunteers with information of set organisational expectations about appropriate and acceptable behaviour in the workplace;
- 3 Create a workplace that is free from all forms of harassment, discrimination and bullying;
- 4 Continue to pursue a workplace that is a positive, respectful and productive environment; and
- 5 Provide a process for dealing with instances of harassment, discrimination and bullying and set boundaries for employees, Councillors, consultants and volunteers in terms of appropriate and acceptable behaviour in the workplace.

2 POLICY STATEMENT

Creating a Positive, ~~Inclusive, respectful~~ and Productive Working Environment

~~In the corporate world a great deal of focus is on the skills and approaches in getting people to work together more effectively. It is important that we expend time and energy on building teams and creating an effective organisation. Yet we must also be alert to those systems and behaviours that create barriers between employees.~~

Bullying, harassment, sexual harassment, racial discrimination, stereotyping cultures or behaviour, and intimidation are all behaviours that ~~unfortunately may exist~~ arise from time-to-time in the workplace. ~~They need to be faced up to firmly and positively addressed.~~

It is the responsibility of everyone who is a part of, or associated with Council to eliminate such behaviours to create a positive and constructive culture for all to enjoy at work.

We value diversity in our workplace and community. Diversity includes adhering to the principle of equal employment opportunity and policies aimed at addressing disadvantage based on sex, Indigenous status, disability, and race or ethnicity.

Diversity also relates to other differences for example, working styles, socio-economic background, educational level and family responsibilities.

Workplace Relationships, Values and Behaviours

~~We choose to come to work for a variety of reasons. Perhaps the motivation is to be part of a group or a team; to add value to the community; financial; or other reasons. Whatever the reason, we spend many hours a week in the company of other people and developing those workplace relationships can provide positive professional and personal outcomes.~~

~~Critical to developing positive working relationships within council is the adoption and "living" of a common set of values. Council has is committed to a set of values and expects employees to behave in accordance with these values whilst at work and at work related functions. These behaviours have been built into our Performance Management System and are integral components in Wollongong City Council creating a positive and constructive culture and becoming an Employer of Choice.~~

Values

We are proud to provide services that are valued by the people of Wollongong, we will:

- maintain integrity and earn trust;
- treat customers as we want to be treated;
- use the community's money wisely; and
- bring out the best in each other.

This policy demands each of us to play a role in 'living our values', creating a positive and constructive culture and ensuring Council is a great place to work.

3 WHO IS COVERED BY THIS POLICY?

All Council employees – permanent, casual, full or part-time – Councillors, Contractors, Consultants and Volunteers and members of Reference Groups and Committees.

4 WHAT ARE OUR LEGISLATIVE COMMITMENTS TO POSITIVE WORKING RELATIONSHIPS?

Wollongong City Council is covered by Federal laws including the Commonwealth Racial Hatred Act 1995, the Commonwealth Sex Discrimination Act 1984 and more specifically in this State, the NSW Anti-Discrimination Act 1977.

Under the Work Health and Safety Act 2011, employers and employees have key duties in relation to both bullying and occupational violence.

Employers must take all reasonable practicable steps to protect their employees' health, safety and welfare. Workplace bullying and occupational violence create an unsafe working environment and a risk to employees' health. Therefore, employers' obligations extend to eliminating or reducing the risk of bullying and violence in their workplaces.

Employees have a duty to ensure that they do not create or increase risk to another person. They must cooperate with the employer in adopting measures that prohibit bullying or violence in any form.

Harassment and bullying may also be offences under the NSW Crimes Act. These behaviours also contravene Council's Employment, Equity and Diversity policy and Work Health and Safety policies and procedures, by making the workplace unsafe and unhealthy.

As a Manager or Supervisor do I have any Legal Responsibility?

Yes. There are three types of liability that you need to be aware of:

1 Vicarious Liability

Where Council and its Managers are ultimately responsible for the action of employees – even if they are unaware that the inappropriate behaviours are occurring.

2 Accessory Liability

Where Council is seen to directly or indirectly encourage or permit inappropriate behaviour that could be deemed as unlawful discrimination.

3 Personal/Direct Liability

Where an employee is held personally liable for acts of discrimination.

5 DEFINITIONS

What is Workplace Bullying?

Workplace bullying is defined by Section 789FD of the Fair Work Act as repeated unreasonable behaviour towards a worker or group of workers that creates a risk to health and safety.

Unreasonable behaviour includes offensive, unreasonable, humiliating or intimidating, and is generally persistent behaviour that is directed at an individual or group of employees by another individual or group of employees. It undermines the employee’s dignity or performance in the workplace.

~~Bullying is a form of violence, it is aggression expressed psychologically and emotionally rather than physically, and creates a risk to health & safety.~~ Workplace bullying can occur in any relationship.

Bullying behaviour is based on the misuse of power in human relationships. It includes:

- Verbal abuse
- ~~Initiation pranks~~ Teasing or practical jokes
- Unreasonable work demands
- Pressuring someone to behave inappropriately
- Excluding or isolating employees from work related events
- Giving a person the majority of an unpleasant or meaningless task, that is not listed in their job description
- Humiliation through sarcasm, or belittling someone’s opinions
- Constant criticism or insults
- Spreading misinformation or malicious rumours
- ~~Setting impossible deadlines~~
- Deliberately changing work rosters to inconvenience certain employees
- Deliberately withholding information or resources, that are vital for effective work performance
- Manipulating the impression of others to split the work group into taking sides, and/or
- Displaying written or pictorial material which may degrade or offend certain employees

Bullying is not always intentional. Sometimes people do not realise that how they are treating someone can have a detrimental effect. A behaviour that is viewed as unreasonable depends on whether a reasonable person might see the behaviour as unreasonable in the circumstances.

What is Harassment?

Harassment is any form of behaviour that is unwelcome or uninvited which humiliates or intimidates an employee based on the attributes protected under federal and state legislation. This behaviour is unlawful during working hours and during Council social or work related functions, ~~social or work related.~~

Protected Attributes under Legislation are:

Sex, pregnancy, race (including colour, nationality, descent or religious background), marital status, disability, homosexuality (actual or perceived), transgender (transsexuality) (actual or perceived), age or carer's responsibility, or an individual's relationship to or association with a person in these groups. Racial vilification, homosexual vilification, vilification of people on the grounds of their HIV or AIDS status, and transgender vilification is also unlawful.

Workplace harassment or sexual harassment, described further below, is based on a protected attribute and may take the form of (but is not limited to):

- offensive jokes, suggestions, verbal abuse or derogatory comments that humiliate, offend, or stereotype people generally, or an individual;
- offensive or obscene material (displayed or distributed publicly, sent through electronic mail systems or other computer systems or put in someone's belongings or work space);
- isolation or segregation (for example, excluding someone from work activities, functions or information, dismissing someone's contribution in a meeting or discussion, not talking to them);
- offensive gestures;
- unwelcome sexual or physical contact (such as touching, pinching, patting or putting an arm around someone);
- sexual propositions; or
- sexual assault (a crime as well, under the NSW Crimes Act).

Usually harassment is ongoing or a series of events. However, harassment does not need to happen more than once for it to be against the law. Behaviour that neither party finds offensive is not harassment.

What is Sexual Harassment?

Sexual harassment is any verbal or physical conduct of a sexual nature that offends, humiliates, embarrasses, intimidates or otherwise causes distress to any reasonable person in the same circumstances. It is behaviour that is unsolicited, unwelcome and unreciprocated. It may be explicit or implicit. It may be a single incident or occur over a period of time. To identify sexual harassment, is the perceived impact of the behaviour rather than the intent of the behaviour that is important. This behaviour is unlawful during working hours and during Council related functions, whether social or work related. Examples of sexual harassment are provided above.

6 HOW DOES BULLYING DIFFER FROM HARASSMENT?

Bullying differs from harassment in that the focus is rarely based on protected attributes as stated in the Anti-discrimination Act. The focus is often on competence, or the alleged/perceived lack of competence of the person being bullied.

7 WHAT ARE THE BEHAVIOURS THAT COULD AMOUNT TO BULLYING OR HARASSMENT?

These types of behaviours could amount to bullying or harassment. If you are involved in any of these behaviours, then, depending on the circumstances, your actions may result in disciplinary action being taken under the Disciplinary Procedures and may result in dismissal.

Verbal Behaviours – such as:

- Making fun of someone – including imitating them, teasing them, or baiting them.
- Putting someone down in a nasty way – especially in front of others (this includes in a formal meeting such as a Council meeting).
- Offensive jokes – for example, unwelcome sexual, sexist, racist, anti-gay or other such jokes.
- Obscene or racist, sexist, anti-gay (and so on) telephone calls.
- The use of language that is not suitable in the workplace – for example, sexual, sexist, racist, or anti-gay language, or insulting someone in a nasty way.
- Sniggering or gossiping behind someone's back.

- Spreading rumours about someone.
- Swearing at or shouting at someone – unless there is a valid, emergency reason to do so.
- Aggressive, point-scoring, interrupting, talking over and/or putting-down type of debate.

Non-Verbal Behaviours – such as:

- Sending or showing obscene, belittling, offensive or racist, sexist, anti-gay (and so on) letters, faxes, email or SMS text messages.
- Displaying or circulating obscene, offensive, degrading, insulting, or any form of racist, sexist, anti-gay (and so on) cartoons or literature.
- Practical jokes or skylarking that is vindictive, offensive, unsafe, or unwelcome.
- Deliberately setting someone up to fail.
- Taking credit for the work of another employee.
- Putting sexually suggestive, obscene, offensive, degrading or insulting material on Council walls, notice boards, computer screen savers, faxes, email, and so on.

Physically Threatening Behaviours – such as:

- Threatening to make someone's work or home life difficult.
- Unnecessarily leaning over someone, or standing too close to them.
- Offensive or obscene hand or body gestures.
- Deliberately standing in someone's way, or deliberately blocking their path, or deliberately blocking the path of the vehicle they are driving or the equipment they are using.
- Deliberate pushing, shoving or jostling.
- Touching anyone when you know they don't like to be touched.
- Any form of aggressive or frightening behaviour directed towards a person or group of persons.

8 WHAT BEHAVIOUR IS NOT CONSIDERED BULLYING OR HARASSMENT?

Bullying is not about occasional differences of opinion, conflicts and problems in work relationships – these are part of working life and every conflict does not constitute bullying or harassment. When the behaviour is unreasonable, degrading or contrary to Council policies and practices then it should be addressed.

Management Practices

It is important to differentiate between a person's legitimate authority at work and abuse or bullying. All employers have a legal right to direct and control how work is done, and Managers have a responsibility to monitor workflow and give feedback on performance.

It is not workplace bullying or harassment for:

- A Supervisor to note poor performance, suggesting ways to improve performance, follow through on poor work practices, deal with complaints from others, start proceedings for unsatisfactory performance, misconduct or dismissal in accordance with Councils' Management policies.
- An employee to point out professional difficulties they have with other employees, provided it is done in an appropriate manner.

9 WHY IS WORKPLACE BULLYING AND HARASSMENT A PROBLEM?

Bullying can disrupt work to the extent that action has to be taken to restore order. Each individual will react differently to bullying behaviour, and the effects may include:

- High levels of distress, anxiety, depression.
- Ill health, insomnia, panic attacks, impaired ability to make decisions.
- Loss of self-esteem and confidence, feelings of social isolation.

- Reduced work performance, incapacity to work.
- Deteriorating relationships with family and friends.

Workplace bullying can be harmful to organisations as well as individuals, resulting in:

- High levels of absenteeism and staff turnover;
- Breakdown of teams and work relationships;
- Poor public image in terms of becoming known as a difficult place to work;
- Reduced efficiency, productivity and profitability;
- Unsafe work environment;
- Poor morale, erosion of loyalty and commitment;
- Increased costs associated with counselling, mediation and compensation claims, recruitment and re-training of new staff, management time; and
- Potential litigation and associated costs.

10 WHAT ARE THE CONTEMPORARY ISSUES?

Consensual Relationships/Power Relationships – Why Might They be a Problem?

In any relationship where there is a power differential there is potential for abuse of that power. It is in the interest of Council to provide clear direction and education about romantic and/or sexual relationships where a definite power differential between parties exists.

Definition

The consensual relationships that are of concern are those romantic and/or sexual relationships in which both parties appear to have consented, but where there is a definite power differential between the two parties. Specifically, consenting romantic and sexual relationships between Supervisor (any person in a position of authority over another to employ and make employment or salary recommendations or oversee performance) and employee (any person working for the Supervisor) have the potential for extremely serious consequences and ought to be avoided. The concern is that this situation may diminish the employee's actual freedom of choice in an amorous or sexual relationship.

Potential for Abuse of Power Differential

Individuals entering into a consensual relationship in which a power differential exists must recognise that:

- 1 the reasons for entering such a relationship may be a function of the power differential;
- 2 where power differentials exist, even in a seemingly consensual relationship, there are limited after-the-fact defences against charges of sexual harassment; and
- 3 the individual with the power in the relationship may bear the burden of responsibility.

Conflict of Interest

Conflicts of interest may arise in connection with consensual romantic and/or sexual relationships between Supervisors and employees. It is a generally accepted ethical principle in our society that individuals are precluded from evaluating the work performance of others with whom they have intimate familial relationships, or from making employment, salary or similar financial decisions concerning such persons. The same principle applies to consensual romantic and/or sexual relationships.

Responsibility and Risk

Supervisors and employees should understand that there are substantial risks in even an apparently consenting relationship where a power differential exists. Even if the conflict of interest issues are resolved, charges of sexual harassment may develop, even when both parties have consented to the relationship. The Supervisor or other employee may, by virtue of his or her power and responsibility, bear a burden of accountability.

If a consensual romantic and/or sexual relationship develops between a Supervisor and employee, the Supervisor should make their Manager aware of the situation.

11 WHO IS RESPONSIBLE FOR IMPLEMENTING OUR POLICY?

All employees and Councillors have a leadership role in demonstrating acceptable workplace behaviour.

- **Councillors** are responsible for referring any complaints of discrimination, harassment or bullying to the Organisation. Councillors can follow-up with the organisation to ensure some action is being taken to minimise the risk of aiding and abetting any unlawful conduct. Confidentiality must be applied at all times.
- **Executive Managers including the General Manager (GM)** have a strong leadership role in demonstrating acceptable workplace behaviour and are responsible for ensuring the endorsement, support and implementation of the policy and procedure. They are also responsible for:
 - Providing a safe place of work.
 - Making sure that Council meets its legal obligations with respect to bullying and harassment prevention.
 - Ensure that Council meets its commitment to this policy.
 - Fostering the development of a culture within the organisation that is respectful of individual employees, and discourages bullying and harassment of any sort.
 - Acting in a manner which provides an example of good workplace behaviour.
 - Ensuring that all Senior and Middle Managers, and Supervisors are committed to ensuring the workplace is free from bullying and harassment.
- **Executive, Directors and Senior Managers, Middle Managers and Supervisors** are responsible for ensuring all employees understand harassment or bullying is not acceptable behaviour in the workplace and that all complaints will be taken seriously and dealt with in accordance with the agreed procedures. They are also responsible for:
 - Making sure that they model appropriate behaviour and do not bully, harass or victimise anyone.
 - Making sure that this policy is communicated and implemented within any division(s) and/or team(s) they are responsible for and that making sure that new employees receive appropriate information about their responsibilities and rights under this policy during their induction.
 - Preventing all forms of bullying, harassment and victimisation from happening in any area of Council or Council business that they are responsible for.
 - Dealing appropriately with all forms of bullying, harassment and victimisation that happen, or appear to be happening. It is a breach of this policy to ignore any such bullying, harassment or victimisation.
 - Ensuring confidentiality and complete privacy is maintained in all matters.
 - Being available to discuss any complaints that may be lodged with those persons lodging the complaints, those being complained against and other appropriate people.
 - Ensuring the Positive Working Relationships policy and complaint procedure is strictly adhered to.
 - Communicating to all persons concerned, their rights and responsibilities.
 - Ensuring all resources are provided to facilitate resolution of the complaint.
 - Continually monitor harassment complaints that have been resolved to make sure that the negotiated outcomes have been implemented and that an assessment of the effectiveness of the negotiated strategies is conducted.
 - Contacting the Manager Human Resources for assistance in resolving cases if uncertain, when the Manager or Supervisor cannot provide an unbiased decision, or they feel they do not possess the authority or expertise to deal with a particular complaint.
 - Provide continual workplace education to increase the awareness of this policy and what constitutes acceptable behaviour in the workplace to assist in the ongoing prevention of harassment and bullying.
- **Manager Human Resources** is responsible for assisting reconciliation between the parties and to investigate complaints whether written or verbal. It is the responsibility of the Manager Human Resources to:
 - Make sure that this policy and information is made available to all employees.

- Be available to Managers, Supervisors and other persons to answer enquiries about harassment and bullying and to assist in the resolution of harassment and bullying complaints if requested.
- Ensure confidentiality and complete privacy is maintained in all matters.
- Determine whether or not a complaint should be handled by Council or by an outside agency.
- Act as a mediator when requested, ensuring that mediation meetings are fair, that all parties are heard without bias, and that all known facts of the complaint are given the opportunity to be brought forward.
- Negotiate a specific settlement agreed by all parties.
- Warn against victimisation or reprisals against any person involved in a harassment or bullying complaint; that is, the complainant, alleged offender, witnesses, contact officers or person(s) conducting the investigation.
- Monitoring and recording trends and instances of bullying and harassment across the organisation.

- **Employees** are responsible for respecting the rights of other persons and to never encourage or condone harassment or bullying. If an employee believes that a fellow colleague is being harassed, he or she can help prevent further incidents of harassment occurring by offering support to the person being harassed.

This can be done by:

- Informing them that he or she is willing to act as a witness if the person being harassed decides to lodge a complaint.
- Refusing to join in with any harassing activity.
- Supporting the person being harassed to say no.
- Advising the person of the availability of a complaints procedure.

It is not the responsibility of the person witnessing the harassment to say anything to the offender or to spread rumours about someone. If a person participates in spreading rumours, he/she may be subject to a defamation act.

12 WHAT ARE MY OPTIONS?

Complaints Procedure

There are four (4) options available to an employee who feels they have been bullied or harassed in the workplace.

1 One-to-One Option

The employee meets face-to-face with the alleged perpetrator and makes it clear to the offender that their behaviour is offensive and unacceptable. Ignoring the behaviour may often be misunderstood by the offender as approval of the behaviour.

2 Informal Option

The employee chooses to have the matter dealt with either directly with the individual or through a team based intervention. This informal option is undertaken in conjunction with the Supervisor. This option provides for the issue to be dealt with in a non-threatening manner by way of education, training and/or discussions with individuals or teams.

3 Formal Option

The employee can make a formal complaint by lodging with their Supervisor, Manager or the Manager Human Resources. The employee should record the date(s), place(s), time(s) and witnesses, if any, of the incident or incidences of bullying or harassing behaviour.

The employee's complaint will be dealt with sensitively, promptly, confidentially and without fear of reprisal. Investigations will be carried out in an impartial manner by the person responsible for conducting the investigations. This may be the Supervisor, Manager, the Manager Human Resources, or another person deemed appropriate by the Manager Human Resources.

In the event the General Manager is a party to the complaint, the Manager Human Resources will engage an external independent investigator who will provide recommendations to the Lord Mayor.

4 External Option

In the event the internal complaints procedure has failed to settle the employee's complaint, or the employee does not want to follow the internal procedure, resolution may be found through an external agency such as the Anti-Discrimination Board or the Commonwealth Human Rights and Equal Opportunity Commission.

13 HOW WILL MY OPTIONS BE ADDRESSED?

Dealing with a Complaint

When receiving a complaint, it is important to:

- Respond promptly, treating the complaint sensitively, seriously and confidentially by ensuring that the names of anyone involved in a complaint are not discussed with others except those immediately involved in the complaint. Where possible, manage the complaint informally and locally.
- Discuss with the individual the options/courses of action available to resolve the complaint. This may include the following:
 - Seek a personal solution by directly asking the person to stop the behaviour or writing a letter to the offender asking for certain behaviour to cease.
 - Adopt an informal approach to resolving complaints by conducting a private interview with the alleged offender, seeking their cooperation in finding a workable solution to the problem.

Informal Options (Option 1 and 2 Above)

Informal options are designed to provide an avenue for resolution before the parties become entrenched in positions of bully or victim. In an informal resolution:

- Focus is placed on bullying behaviour rather than on personalities or individuals involved in the bullying;
- Both parties are encouraged to take responsibility for their own behaviour and discuss resolutions; and
- A non-blaming approach is used and no disciplinary action needs to arise as a result.

More formal procedures may be necessary if the informal procedures are unsuccessful or if allegations are so serious that other approaches are inappropriate.

Confidentiality Versus Duty of Care

In some instances there is a conflict between confidentiality and Council's duty of care. Generally, no action should be taken without the consent of the complainant unless it is considered that the matter, if neglected, would endanger anyone (for example, the safety of individuals may be at risk, or there is concern that the action will not cease). Agreed action should be documented and signed by both parties.

Investigating a Formal Complaint

When investigating a formal complaint, it is important to:

- Ensure the complaint is investigated and resolved without delay. The investigation should commence within twenty-four (24) hours of receiving the complaint and no later than seven (7) days after receiving the complaint. Timeframe for investigation and resolution of complaint may be negotiated with parties concerned, however investigation should be resolved, wherever possible, no later than four (4) weeks after complaint has been lodged.
- Ensure the person involved in assisting the complainant to lodge the original complaint is not responsible for investigating the complaint. Investigations will need to be carried out by those persons delegated to do so, that is Supervisors, Managers or the Manager Human Resources or other person as deemed appropriate by the Manager Human Resources.
- Conduct an interview with the complainant allowing, if desired, a union/employee representative, a professional (qualified) interpreter, or another employee to be present. In the interview:
 - Clarify the events or behaviours leading to the complaint including dates, times and any witnesses of the behaviour or event. Detailed notes should accurately reflect the perceptions of the person lodging the complaint.

- Advise the employee that a full investigation will be carried out and explain procedure that will be followed.
- Provide the complainant with the full range of options outlined in the Complaints Procedure.
- Conduct an interview with the alleged offender, advising of the complaint lodged against him or her. In this interview:
 - Emphasise the impartiality of the person conducting the investigation and stress the importance of confidentiality;
 - Advise the alleged offender of the kind of investigative process that has been decided on and their rights of representation or advice, that is, a union/employee representative or a professional interpreter, if desired;
 - Provide the alleged offender with the opportunity to respond fully to the allegations within a negotiated time frame;
 - Advise the alleged offender not to approach the complainant directly or indirectly about the allegations.
- Ensure a thorough investigation. It may be necessary to conduct interviews with those persons named as witnesses by the complainant or alleged offender, ensuring confidentiality is maintained and involvement is kept to the minimum necessary to establish facts.
- Ensure the person conducting the investigation remains impartial and not prejudicial of the matter.
- Maintain records throughout the investigation, including verified notes of discussions, meetings and interviews with the person lodging the complaint, the alleged offender and any witnesses.
- Ensure that all parties involved in the making and investigation of a complaint are aware they are bound by law to observe strict confidentiality, any breach may be regarded as misconduct and the offender may be subjected to the disciplinary procedure.

During the period of investigation, temporary alternative work arrangements may be made at the direction of the Manager or the Manager Human Resources, in consultation with the Manager concerned, or will be considered at the request of the complainant or alleged offender. No employee will be disadvantaged in their employment conditions or opportunities should this occur.

14 HOW WILL IT BE RESOLVED?

Resolving a Complaint

- 1 If the allegations are substantiated or admitted, a decision will be made on the most appropriate course of action. This may involve:
 - Counselling of both the complainant and/or alleged offender.
 - Mediation through conflict resolution or educational strategies.
 - Application of Council's disciplinary procedure which may result in summary dismissal.
- 2 If the allegations are not substantiated, the reasons for the decision should be explained to all parties. However it may be necessary to:
 - Consider alternative work arrangements at the request of the complainant or alleged offender.
 - Ensure that the complainant and the alleged offender do not suffer any consequences as a result of a complaint being lodged.
 - Be explicit about, and ensure understanding of, acceptable and unacceptable work behaviour with all concerned.
- 3 If the allegations are found to be frivolous, vexatious, malicious or contrived, the complainant may:
 - Be required to undergo counselling.
 - Be subject to Council's disciplinary procedure.
 - The Manager Human Resources and/or Manager/Supervisor should follow-up after the investigation has concluded to ensure that behaviour has ceased and neither party has been victimised.

15 WHAT SUPPORT IS AVAILABLE?

Other Support Available

Counselling is available to all employees by contacting Council’s provider of the Employee Assistance Program. The professional councillors are qualified in dealing with a range of work related and personal issues, and will handle the matter in a confidential manner. Contact information can be provided by any Supervisor, Manager or Human Resources Division.

16 WHAT IS THE APPEALS PROCESS?

Appeals Process

If the complainant or the alleged offender feels the complaints procedure has not been followed properly or the outcome is inappropriate, an appeal may be submitted to the General Manager.

The General Manager will look at the way the complaint was handled and the action taken. If they feel the complaint has been handled properly and the final decision was fair, Council will take no further action. However, if it was felt the complaint was not handled properly, the General Manager will conduct further investigations or will arrange for someone, other than the person who conducted the initial investigations, to carry out the review.

If the General Manager has been a party to the complaint then the individual may find resolution through an external agency such as the Anti-Discrimination Board or the Commonwealth Human Rights and Equal Opportunity Commission.

17 GLOSSARY OF TERMS

Alleged Offender	Person against whom a complaint has been lodged.
Bullying	Workplace bullying is <u>repeated unreasonable behaviour towards a worker or group of workers that creates a risk to health and safety. Unreasonable behaviour includes offensive, unreasonable, humiliating or intimidating and generally persistent behaviour that is directed at an individual or group of employees by another individual or group of employees. It undermines the employee’s dignity or performance in the workplace.</u> offensive, unreasonable, humiliating or intimidating, and generally persistent behaviour that is directed at an individual or group of employees by another individual or group of employees that undermines the employees dignity or performance in the workplace.
Complainant	Person who feels they have been subjected to some form of harassment.
Conciliation	Speaking with the complainant, speaking with the alleged offender and negotiating a resolution which may range from an apology to disciplinary procedures.
Confidentiality	Only those persons directly involved in lodging or investigating a complaint will have access to information about the complaint.
Defamation	Any written or verbal statement which is false or derogatory. The complainant, alleged offender and any persons directly involved in investigating or resolving a complaint are protected against any action for defamation by defence of qualified privilege. This privilege is only available when the complaint is made honestly and is not motivated by ill-will or malice; the above named persons act in accordance with established procedures; and information is provided to those persons with a legitimate right to know.
Complaint	A type of problem, concern or complaint related to work or the work environment. A complaint may be about any act, omission, situation or decision that a person thinks is unfair, discriminatory or unjustified.
Harassment	Any unwanted, unsolicited and unreciprocated behaviour, act or statement that offends, humiliates or distresses the recipient.

Impartiality	All complaints will be investigated in a fair manner. No judgements or assumptions will be made and no action will be taken until all relevant information has been collected and considered.
Promptly	All complaints will be dealt with as quickly as possible. Every attempt will be made to resolve all complaints within four (4) weeks wherever possible unless otherwise negotiated between the concerned parties.
Sensitively	All complaints will be listened to in an unbiased, supportive and empathic manner.
Sexual Harassment	Any sexual behaviour such as a sexual advance, request for sexual favours or other conduct of a sexual nature which is unwelcomed by the recipient and that a 'reasonable person' would have expected the recipient to find offensive, humiliating or intimidating.
Victimisation	Any unfavourable treatment of, or disadvantage to, a person lodging a complaint and/or person acting as a witness or assisting the complainant, as a consequence of their involvement in Council's Complaint Procedure. The law protects the above named persons from further disadvantage or mistreatment and management will take all necessary steps to ensure victimisation does not occur.
Vilification	Any act that happens publicly as opposed to privately, and that could incite (encourage, urge or stir-up) others to hate or have serious contempt for or severely ridicule a person, or a group of people, because of their race, homosexuality, HIV or AIDS status or transgender status. Exceptions under the law include a fair report by media, acts of vilification that are done 'reasonably and in good faith' for academic, artistic, scientific, research or other purposes in the 'public interest' and material in parliamentary, court or tribunal proceedings or other Government inquiries

18 RELEVANT DOCUMENTS AND LEGISLATION

[Age Discrimination Act 2004](#)

[Anti-Discrimination Act 1977](#)

[Disability Discrimination Act 1992](#)

[Fair Work Act 2009](#)

[Human Rights and Equal Opportunity Commission Act 1986](#)

[Local Government Act 1993](#)

[Racial Discrimination Act 1975](#)

[Racial Hatred Act 1995](#)

[Sex Discrimination Act 1984](#)

[Skills & Performance Management Assessment System](#)

[WCC Codes of Conduct](#)

[WCC Employment, Equity and Diversity \(EED\) Policy](#)

[WCC Violence in the Workplace Procedure](#)

[Work Health & Safety Act 2011](#)

[Work Health & Safety Regulation 2011](#)

[WCC Codes of Conduct](#)

[WCC Employment, Equity and Diversity \(EED\) Policy](#)

[WCC Violence in the Workplace Policy](#)

- ~~Skills & Performance Management Assessment System~~
 - ~~Anti-Discrimination Act of NSW 1977~~
 - ~~NSW Work Health & Safety Act 2011~~
 - ~~Work Health & Safety Regulation 2011~~
 - ~~Racial Discrimination Act 1975~~
 - ~~Racial Hatred Act 1995~~
 - ~~Sex Discrimination Act 1984~~
 - ~~Disability Discrimination Act 1992~~
 - ~~Human Rights and Equal Opportunity Commission Act 1986~~
 - ~~Local Government Act 1993~~
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SUMMARY SHEET	
Responsible Division	Human Resources
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	13 August 2012 (EMC - minor administrative changes), 18 June 2007
Date of next review	<u>August 2018 (in conjunction with the Code of Conduct review)</u>
Prepared by	Organisational Development Manager
Authorised by	Manager Human Resources

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

BACKGROUND

This policy is known as the Bank Guarantees for Subdivisions and Development Policy.

The Bank Guarantees for Subdivisions and Development Policy replaces the previous Bank Guarantees or Equivalent – Receipt, Retention and Release Management Policy.

The Policy applies to incomplete works that have been conditioned to be constructed as part of a Development Consent and/or Construction Certificate where those works are required to be dedicated to Council and later become Council's asset, when completed.

This policy has been developed in order to enable Council to consider a request from an applicant/developer to accept a bank guarantee for certain incomplete public works (eg road works, kerb and guttering drainage works etc), in order to enable the issue of the Subdivision Certificate or Interim Occupation Certificate, prior to the completion of such works.

The provisions of sub-section 80A(6) of the Environmental Planning and Assessment Act 1979 (EP&A Act) enable a consent authority (Council) to enter into an agreement with an applicant/developer that the applicant/developer must provide security for the payment of the cost of any one or more of the following:

- a Making good any damage caused to any property of the consent authority as a consequence of the doing of anything to which the development consent relates;
- b Completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls required in connection with the consent;
- c Remedying any defects in any such public work that arise within six (6) months after the work is completed.

Section 109J(2) of the EP&A Act also enables a consent authority (Council) to issue a subdivision certificate for a subdivision that involves subdivision work where agreement has been reached between the applicant for the certificate and Council, concerning, relevantly, the security to be given by the applicant to Council with respect to the work to be completed, and when it will be completed.

The security is to be provided before the carrying out any work in accordance with the development consent or at such other time as may be agreed to by Council (sub-section 80A(9) of the EP&A Act). In relation to "such other time as may be agreed to by Council", an applicant for a subdivision certificate can make a request to enter into such an agreement at any time (sec 109J(2)(c)).

The security will generally take the form of an unconditional bank guarantee, to the satisfaction of Council. In very limited circumstances, and entirely within its own discretion, Council may consider insurance bonds, issued by companies other than banks.

However, there is no legal basis for Council to require a security (in any form, including a bank guarantee) for works proposed entirely on private land where such works will not be dedicated to Council in the future.

Council has as a matter of practice in its grant of development/building consents and in association with entering contracts, required applicants to lodge a security deposit in the form of a cash bond or a bank guarantee (or equivalent) with Council in order to provide Council with security of performance by those applicants.

All action that is required to be undertaken to bring about lodgement of a bank guarantee or equivalent with Council is the responsibility of the Council Division (including Environment and Health, Development Assessment and Compliance, Subdivision Engineers, Landscaping Officers and/or Contract Supervisors) whose officers have requested the guarantee to be lodged with Council. Those officers are responsible for forwarding the guarantee to Central Records for retention as a legal document on behalf of Council and for administering the release by Council of guarantees when no longer required to be retained by Council.

OBJECTIVE

The main objective of this policy is to provide policy guidelines for when Council will consider the bonding of certain works required to be constructed in association with a development or subdivision.

POLICY STATEMENT

This policy aims to enable Council to consider a request from an applicant/developer to accept a bank guarantee for certain incomplete public works (eg road works, kerb and guttering drainage works etc), in order to enable the issue of the Subdivision Certificate or Interim Occupation Certificate, prior to the completion of such works.

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STATEMENT OF PROCEDURES

1 Policy Procedures for Accepting a Bank Guarantee and Implementation

Any incomplete works that a developer would like to make the subject of security (bond works) will be subject to a formal request being submitted to Council.

- a A request to Council to bond works shall comprise the following:
 - i A written statement detailing the works to be bonded and a program for the completion of all such works.
 - ii A minimum of two (2) itemised quotations prepared by a civil contractor or quantity surveyor for the completion of outstanding works. In this regard, Council reserves its rights to request or seek additional quotations at its discretion, in order to verify the true costs of construction of the incomplete works.
 - iii Two (2) copies of relevant engineering plans detailing the outstanding works to be bonded.
- b Council may, at its discretion, favourably consider a request to bond incomplete works, where the following criteria have been met:
 - i The works have been substantially completed and do not adversely affect the efficiency and/or operation of the development or a vital element of the development.
 - ii The incomplete works do not present a safety issue that cannot be satisfactorily managed.
 - iii The completion of the incomplete works can be carried out without significant impact on the operation of the development site and/or will not inhibit the commencement of building development on the development site.
 - iv The nature and value of the incomplete works can be accurately estimated and validated.
 - v The developer can retain sufficient control of the site to satisfactorily carry out the incomplete works.
- c If Council agrees that the request to bond works meets the abovementioned criteria, the following requirements shall be met or complied with:
 - i A timeframe and schedule for the carrying out of the bonded works (by the developer) acceptable to Council.
 - ii Suitable security is to be provided to Council to cover the future cost of the work including administrative costs to Council, and increases in construction costs due to the timing of works and contingency costs. For large scale projects, Council may consider the use of a bond ledger with the developer.
 - iii The bank guarantee shall be generally 130% of the costs of construction of the incomplete works plus any additional increase due to the proposed timing of the works, as agreed by Council. This is essential to ensure that Council is not financially disadvantaged should it be necessary for Council to arrange for the works to be carried out.
 - iv The cost of construction of the incomplete works to be bonded shall be undertaken by a quantity surveyor or a suitably qualified and experienced civil engineer/contractor using a recognised construction cost guide (eg Cordell's eCosting Guide).
 - v The security shall not have an expiry date. Bank guarantees are invalid and unenforceable after their termination dates even if the obligation has not been performed or the work is yet to be completed. Therefore, Council will not accept bank guarantees with a termination date.
 - vi The bank guarantee shall only be from a reputable financial institution in which Council agrees in writing to have an acceptable level of risk. To minimise credit risk, Council will only accept bank guarantees from banks or other financial institutions with a minimum long term credit rating of BBB with Standard and Poor's, a minimum long term credit rating of Baa2 with Moody Investor Services or a minimum long term credit rating of BBB with Fitch Ratings. Bank guarantees from banks or other financial institutions with a lower rating will not be accepted.
 - vii In the event that a financial institution relating to an existing bank guarantee is downgraded below BBB, Council may ask that a new bank guarantee be provided from another more highly rated financial institution.
 - viii The bank guarantee shall be unconditional and irrevocable and shall enable the Council to have immediate access to the monies secured by the bank guarantee at any time where the Council is satisfied the owner is in breach of any requirements concerning the completion of the outstanding works.
 - ix The bank guarantee shall not require the approval of the developer (or an agent of the developer) for the release of the monies (secured by the bank agreement) to Council.

- x Any bank guarantee shall contain the Development Consent reference number and the property description (Lot and Deposited Plan number) details.
- xi Unless Council has agreed to a 'Bond Ledger', where outstanding works are tracked against a single bank guarantee for staged subdivision works, separate bank guarantees are required for separate obligations. Over the course of a project, the level of work may increase. In such circumstances, the original amount of the bank guarantee may no longer be sufficient to fulfil the intended obligation. If the value is insufficient, Council will notify the developer and request an additional bank guarantee for the shortfall.
- xii The lodgement of security or the making of a payment to Council for the completion of works must be the subject of an agreement in writing between the applicant and Council. This shall include statements as to the required completion date and an agreement of Council's absolute right to draw on the security to carry out the works and if required to recover any additional costs incurred in the carrying out of the works.
- xiii Permission for unencumbered access for Council and/or its appointed contractors to enter the site and carry out the uncompleted works (if required).
- xiv The payment of appropriate application fees in accordance with Council's adopted Fees and Charges.
- xv Where any charge, fee, supply of products or services under this policy is subject to a goods and services tax (GST), an amount equal to the GST paid or payable in respect to the charge, fee, supply of products or services, shall be included in the amount of consideration paid or payable under this policy.
- xvi An agreement from the developer to pay all Council fees for all inspections and administration relating to the bonded works and release of the bank guarantee when the works are completed.

2 Council Reserves the Right to Refuse to Accept a Bank Guarantee

- Council reserves its rights to refuse to accept a bank guarantee, based on its own risk assessment.
- Council will also not enter into a bank guarantee for the completion of essential services such as water and sewerage infrastructure or other essential services.

3 Receipt and Retention of Guarantees

- Upon receipt of a guarantee by Council, the Divisional Officer concerned must forward the guarantee to Council's Information Management Unit for retention as a legal document on behalf of Council.
- Each guarantee is to remain in the custody of Council's Information Management Unit as a legal document until such time it is requested by the officer of Council who is responsible for authorising the release of the guarantee.
- The guarantee together with an accompanying letter (Attachment A) is to be returned to the financial institution which originally issued it.
- A copy of Council's letter to the institution is to be forwarded to the person on whose behalf the bank guarantee was lodged with Council to inform that person of the release of the guarantee.

4 Exchange of Guarantees

- It is possible for bank guarantees (or document) to be exchanged so long as the replacement document is in accordance with Council's Procurements. Such exchanges must be notified to Council's Information Management Unit.

5 Release of Guarantees

- Following withdrawal of a guarantee from Council's Information Management Unit the legal document file will be cancelled and destroyed.
- All remaining documentation associated with the receipt, retention and release of a guarantee will be placed for future reference on Council's Records File for that particular property.

ATTACHMENT A

Letter to financial institution which provided the security deposit

Date

Dear Sir/Madam

RELEASE OF SECURITY DEPOSIT FOR (Property)
..... (Contract date)

Attached please find security deposit certificate lodged with Council which is no longer required to be retained by Council.

Yours faithfully

Releasing Officer of Council

cc (person who lodged security deposit)

SUMMARY SHEET	
Responsible Division	Development Assessment and Certification
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	Prior to this version, Management Policy adopted by EMC 8 December 1997 and 23 June 2003
Date of next review	[List date - Not more than 3 years from adoption]
Prepared by	Special Projects Manager
Authorised by	Manager Development Assessment and Certification

DRAFT

Management Policy Register



Adopted by Executive Management Committee:

8 December 1997

Amended:

23 June 2003

NAME:	BANK GUARANTEES OR EQUIVALENT – RECEIPT, RETENTION AND RELEASE
PROGRAM:	CORPORATE SUPPORT
FUNCTION:	ORGANISATIONAL SERVICES
DIVISION:	DEVELOPMENT ASSESSMENT AND COMPLIANCE, DESIGN AND ENVIRONMENT AND HEALTH

File No: 13.07.220

BACKGROUND

Council has as a matter of practice in its grant of development/building consents and in association with entering contracts, required applicants to lodge a security deposit in the form of a cash bond or a bank guarantee (or equivalent) with Council, in order to provide Council with security of performance by those applicants.

All action that is required to be undertaken to bring about lodgement of a bank guarantee or equivalent with Council is the responsibility of the Council Division (including Environment & Health, Development Assessment & Compliance, Subdivision Engineers, Landscaping Officers and/or Contract Supervisors) whose officers have requested the guarantee to be lodged with Council. Those officers are responsible for forwarding the guarantee to Central Records for retention as a legal document on behalf of Council and for administering the release by Council of guarantees when no longer required to be retained by Council.

PROCEDURE STATEMENT

Receipt and retention of guarantees

- Upon receipt of a guarantee by Council, the Divisional officer concerned must forward the guarantee to Central Records for retention as a legal document on behalf of Council.
- Each guarantee is to remain in the custody of Central Records as a legal document until such time it is requested by the officer of Council who is responsible for authorising the release of the guarantee.
- The guarantee together with an accompanying letter (Attachment A) is to be returned to the financial institution which issued it.
- A copy of Council's letter to the institution is to be forwarded to the person on whose behalf the bank guarantee was lodged with Council to inform that person of the release of the guarantee.

Exchange of guarantees

- It is possible for bank guarantees (or document) to be exchanged so long as the replacement document is in accordance with Council's Procurements. Such exchanges must be notified to Central Records.

Management Policy Register



Adopted by Executive Management Committee:

8 December 1997

Amended:

23 June 2003

Release of guarantees

- Following withdrawal of a guarantee from Central Records the legal document file will be cancelled and destroyed.
- All remaining documentation associated with the receipt, retention and release of a guarantee will be placed for future reference on Council's Records File for that particular property.

Management Policy Register



Adopted by Executive Management Committee:
Amended:

8 December 1997
23 June 2003

ATTACHMENT A

Letter to financial institution which provided the security deposit

Date

Dear Sir/Madam

RELEASE OF SECURITY DEPOSIT FOR *(Property)* -
..... (Contract date)

Attached please find security deposit certificate lodged with Council which is no longer required to be retained by Council.

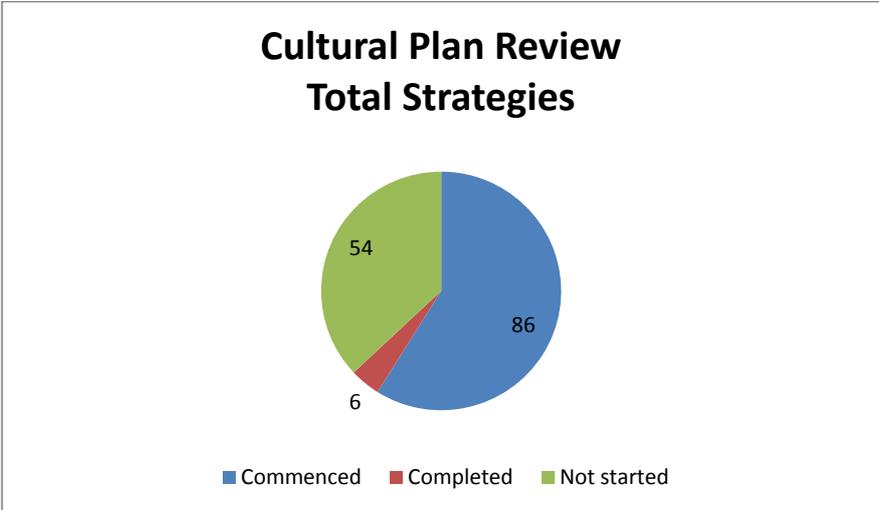
Yours faithfully

Releasing Officer of Council

cc *(person who lodged security deposit)*

Cultural Plan 2014-18 - Statistical Data Year 1 July 2014 – June 2015

Graph 1 – Total Strategies Across Three Combined Action Plans



Graph 2 – Cultural Plan Strategies



Graph 3 – Live Music Action Plan Strategies



Graph 4 – Evening Economy Action Plan Strategies



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

BACKGROUND

The *Local Government Act 1993* requires Council to adopt a policy that allows for Councillors to receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties as elected representatives of their local communities.

OBJECTIVE

The objectives of this policy are to ensure that:

- there is accountability and transparency in the payment of expenses incurred or to be incurred by Councillors;
- these expenses and the facilities provided to Councillors are acceptable to, and meet the expectations of, the local community;
- Council complies with legislative requirements; and
- Councillors are not financially or otherwise disadvantaged in undertaking their civic duties.

POLICY STATEMENT

This policy is to be read in conjunction with Council's Code of Conduct for Councillors, particularly those provisions relating to the use of resources, to ensure that Councillor expenses and facilities are not used inappropriately.

This policy is consistent with the goals and objectives outlined in the Community Strategic Plan and Council's core values.

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STATEMENT OF PROCEDURES

PART 1 – INTRODUCTION

Commencement

This policy commences on [DATE] and replaces the existing policy on the Payment of Expenses and Provision of Facilities to the Lord Mayor, Deputy Lord Mayor and Councillors last amended on 13 October 2014.

Availability of Policy

Council will ensure that this policy is readily identifiable and available to the community via Council's website.

Reporting Requirements

Legislative

Clause 217 of the *Local Government (General) Regulation 2005* requires Council to include detailed information in its Annual Report about the payment of expenses and facilities to Councillors.

An annual report is to include the following information:

- Details (including the purpose) of overseas visits undertaken during the year by Councillors, Council staff or other persons while representing the Council (including visits sponsored by other organisations);
- Details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, Councillors in relation to their civic functions (as paid by the Council, reimbursed to the Councillor or reconciled with the Councillor), including separate details on the total cost of each of the following:
 - The provision during the year of dedicated office equipment allocated to Councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in Councillors' homes (including equipment and line rental costs and internet access costs but not including call costs);
 - Telephone calls made by Councillors, including calls made from mobile telephones provided by Council and from landline telephones and facsimile services installed in Councillors' homes;
 - The attendance of Councillors at conferences and seminars;
 - The training of Councillors and the provision of skill development for Councillors;
 - Interstate visits undertaken during the year by Councillors while representing the Council, including the cost of transport, cost of accommodation and other out-of-pocket travelling expenses;
 - Overseas visits undertaken during the year by Councillors while representing the Council, including the cost of transport, cost of accommodation and other out-of-pocket travelling expenses;
 - The expenses of any spouse, partner (whether of the same or opposite sex) or other person who accompanied a Councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time; and
 - Expenses involved in the provision of care for a child of, or an immediate family member of, a Councillor, to allow the Councillor to undertake his or her civic functions.

Council's Annual Report must also incorporate a copy of this policy.

Council

A report on Lord Mayor, Councillor and General Manager expenses will be submitted to each Corporate Governance Committee meeting. An audit of Lord Mayor and Councillor expenses will be included in the Internal Audit Plan and undertaken every three years.

Legislative Provisions

This policy has been prepared in accordance with the provisions of Sections 23A, 252, 253 and 254 of the Local Government Act 1993 and Clause 403 of the Local Government (General) Regulation 2005 which are detailed hereunder:

Local Government Act 1993 (the Act)

Section 252 of the Act states:

- 1 Within five (5) months after the end of each year, a Council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.
- 2 The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the Mayor or a Councillor of a facility provided by the Council to the Mayor or Councillor.
- 3 A Council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the Mayor, the Deputy Mayor (if there is one) or a Councillor otherwise than in accordance with a policy under this section.
- 4 A Council may from time to time amend a policy under this section.
- 5 A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

Section 253 of the Act states:

- 1 A Council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.
- 2 Before adopting or amending the policy, the Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.
- 3 Despite subsections (1) and (2), a Council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the Council is of the opinion that the proposed amendment is not substantial.
- 4 Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a Council is to forward to the Director-General:
 - a a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1); and
 - b a statement setting out, for each submission, the Council's response to the submission and the reasons for the Council's response; and
 - c a copy of the notice given under subsection (1).
- 5 A Council must comply with this section when proposing to adopt a policy each year in accordance with section 252(1) even if the Council proposes to adopt a policy that is the same as its existing policy.

Section 254 of the Act requires that a part of a Council or Committee meeting which considers the adopting or amending of this policy must not be closed to the public.

Section 23A of the Act makes provision for the Director-General of the Office of Local Government from time to time to prepare, adopt or vary guidelines that relate to the exercise of any of its functions. It also requires that a Council must take the relevant guidelines into consideration before exercising any of its functions.

Local Government (General) Regulation 2005

Clause 403 of the Regulation states that a policy under Section 252 of the Local Government Act 1993 must not include any provision enabling a Council:

- To pay any Councillor an allowance in the nature of a general expense allowance; or
- To make a motor vehicle owned or leased by the Council available for the exclusive or primary use or disposition of a particular Councillor other than a Mayor.

Other Government Policy Provisions

This policy has also been prepared in consultation with the following documents:

- The Office of Local Government Guidelines for payment of expenses and provision of facilities for Mayors and Councillors which have been issued under Section 23A of the *Local Government Act 1993*.
- Council's *Code of Conduct* and, in particular, sections related to Use of Council Resources.
- ICAC publication – *No Excuse for Misuse*.

Approval Arrangements

- 1 A *Councillor Request to Attend External Event* application form is to be submitted to the Lord Mayor in the first instance for Councillor attendance at any Conference, seminar, meeting with external parties on official Council business, professional development or training and skills development session, community function, dinner and other non-Council event or function the Councillor wishes to attend in their civic capacity. All requests for approvals under this Policy are to be made in writing. Verbal requests will not be considered.
- 2 Application forms are to be submitted prior to attendance at the event and/or any expenses being incurred and must detail the purpose of the trip, expected benefits, duration, itinerary and approximate costs (where known).
- 3 The Lord Mayor will consider whether they are authorised to approve the application form or whether it is appropriate to refer the application form for report to an open meeting of Council.
- 4 Where a report to Council is required, reports must detail the purpose of the trip, expected benefits, duration, itinerary, approximate costs and nomination/number of Councillors undertaking the trip.
- 5 Overseas travel must be approved prior to the Councillor/s undertaking the trip.
- 6 Retrospective reimbursement of overseas travel expenses is not allowed unless prior authorisation of the travel has been obtained.
- 7 The use of a Lord Mayoral Minute to obtain Council approval for travel is not appropriate as it is not consistent with the principles of openness and transparency.

Approval Process

	Lord Mayor Approval Only*	Report to Open Meeting of Council	Lord Mayor Approval and Noted by GM
A <u>Costs not exceeding \$2,000 (ex GST) per Councillor, up to a maximum of \$4,000 per event in accordance with the following criteria:</u>			
i <u>Applications for attendance at any event, including those requiring overnight accommodation and/or air travel within the ACT or New South Wales, including but not limited to:</u>	✓		
• <u>Conferences/seminars;</u>			
• <u>Board meetings, meetings with government ministers or external organisations where the Councillor is Council's appointed representative;</u>			
• <u>Community functions, annual awards, dinners and other non-Council Functions;</u>			
• <u>Events where the Councillor has been invited to speak on behalf of Council.</u>			
ii <u>Professional Development requests.</u>	✓		
B <u>Use of private vehicle for (non-local) official Council business</u>	✓		
C <u>Applications for attendance at any event or professional development where individual Councillor attendance costs exceed \$2,000 or \$4,000 per event.</u>		✓	
D <u>Applications requiring interstate travel, air travel within Australia</u>		✓	
E <u>Applications requiring overseas travel.</u>		✓	
F <u>All other Applications and where approval at a meeting of Council is not possible or appropriate.</u>			✓

* Where the Lord Mayor is the applicant, approval may be granted by the Deputy Lord Mayor and be noted by the General Manager or granted by the General Manager and be noted by the Deputy Lord Mayor.

END OF PART ONE

PART 2 – PAYMENT OF EXPENSES

GENERAL PROVISIONS – subject to the approval processes outlined in this Policy

NOTE: All expense limits quoted within this Policy are exclusive of GST unless otherwise stated.

Expenses

- Council will reimburse reasonable incidental personal out-of-pocket expenses incurred by Councillors in attending Civic Functions, meetings relating to official Council business, seminars, conferences and training sessions.

Incidental expenses include telephone or facsimile calls, laundry and dry cleaning (associated with overnight travel), taxi fares, parking station fees and cost of meals not included in registration fees, but excludes tips, and such expenses shall not exceed:

- \$150 per day excluding meals; or
 - \$250 per day including meals, of which not more than \$150 shall be on meals.
- Other incidental expenses such as refreshments and parking meter fees, may be incurred and reimbursed without substantiation up to a value equivalent to the current Australian Taxation Office Taxation Determination on the reasonable travel and overtime meal allowance expense amounts for the current income year.

Payment in Advance

Councillors may request a payment in advance, up to a maximum of \$250 per day, in anticipation of expenses being incurred in attending conferences, seminars and training outside the City of Wollongong.

Reimbursement and Reconciliation of Expenses and Payments in Advance

Councillors are required to complete a Reimbursement of Expenses Form for any claims not included on the monthly Councillor Claim for Expenses Form.

Unless otherwise stated in this Policy, a claim for reimbursement of expenses and accounting for any payment in advance must be substantiated and lodged within 30 days of the costs being incurred.

Community and Charitable Functions

Council will provide a budget allocation in the Annual Budget for Councillor attendance at community and charitable functions.

Where a Councillor accepts an invitation to attend a community or charitable function in the role of a Councillor, Council shall meet all costs associated with such attendance, including entry but excluding travel costs.

Dinners and Other Non-Council Functions

- Council will meet the entry fee associated with the attendance of a Councillor at a dinner or other non-Council function which provides briefings to Councillors from key members of the community, politicians and business.
- Council will not contribute to, or reimburse to a Councillor, any costs associated with attendance at any political fundraising event, any donation to a political party or candidate's electoral fund or for some other private benefit.

Spouse and Partner Expenses

Council will meet:

- Reasonable costs of spouses, partners or an accompanying person in attending official Council functions that are of a formal or ceremonial nature where the Councillor's spouse, partner or accompanying person would reasonably be expected to attend. Examples include, but are not limited to Australia Day Award Ceremonies, Citizenship Ceremonies, Civic Receptions and charitable functions at the request of the Lord Mayor.
- Limited expenses associated with the attendance of the Councillor's spouse, partner or accompanying person at the Local Government NSW Annual Conference.

These expenses are limited to the cost of the spouse, partner or accompanying person's registration (including the official conference dinner and welcome reception) and official functions hosted by Wollongong City Council at the conference.

Travel expenses, any additional accommodation expenses and the cost of the spouse, partner or accompanying person's tours, etc will be the responsibility of individual Councillors.

- Reasonable costs of the spouse, partner or accompanying person of the Lord Mayor (or a Councillor representing the Lord Mayor) where the spouse, partner or accompanying person would reasonably be expected to attend an official function of Council or accompany the Lord Mayor (or a Councillor representing the Lord Mayor) to carry out an official ceremonial duty within NSW or the ACT.

Such functions include charitable functions to which the Lord Mayor has been invited and award ceremonies and other functions to which the Lord Mayor is invited to represent the Council.

NOTE: The payment of expenses as detailed above is limited to the cost of the ticket, meal and/or the direct cost of attending the function.

Where not provided above, all expenses incurred in relation to the attendance of a spouse, partner or accompanying person at any event, function, seminar, conference, business trip and the like, must be met by the Councillor or the spouse, partner or accompanying person.

Peripheral expenses incurred by a spouse, partner or accompanying person such as grooming, special clothing and transport are not reimbursable expenses.

In this section, reference to an 'accompanying person' is a person who has a close personal relationship with the Councillor and/or provides carer support for the Councillor.

SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS

Attendance at Conferences and Seminars

Councillors will be required to submit a Councillor Request to Attend External Event application in respect of all other conferences and seminars for approval in accordance with this policy – refer to Approval Arrangements – with the exception of those seminars and training courses included in Council's Induction Program.

In determining Council's delegates to the Local Government NSW Annual Conference the Lord Mayor and Deputy Lord Mayor are automatically granted delegate status.

Costs

- Council will arrange for all bookings and reservations associated with Councillors' attendance at approved external events covered by this policy including those relating to travel, accommodation, official luncheons, dinners and tours/inspections considered relevant to the business and interest of Council.
- All other costs incurred by an individual Councillor except where otherwise stated in this policy, will be the responsibility of the individual Councillor.

Accommodation

- Where possible, accommodation is to be booked at the conference venue unless the General Manager determines otherwise.
- In all other cases Council will ensure that reasonable and appropriate accommodation is provided to Councillors and in this regard a standard equivalent to 4 Star, where available, is considered appropriate.
- Preference will be given to accommodation venues providing Government Rates.

Mode of Travel

- All reasonable travel costs for Councillors whilst on official Council business will be met by Council and will be in accordance with the following standards:

New South Wales and Australian Capital Territory

The method of transport will be by road except in circumstances where air travel is considered the most appropriate method.

Road Travel

- Councillors may request the use of a Council motor vehicle for official business use.

- Councillors are required to complete the Councillors Motor Vehicle Requisition and must comply with the general conditions of the Vehicle Management Policy. Where a number of Councillors are attending the same function, every attempt is to be made to share motor vehicles.
- A minimum of 48 hours' notice is required for access to a vehicle for overnight use and 7 days' notice for longer periods.
- A Councillor is permitted to use their private vehicle for (non-local) official Council related business:
 - where a Council vehicle is not available; or
 - in circumstances where it is considered reasonable and is pre-approved by the Lord Mayor.

~~Only where a Council vehicle is not available is a Councillor permitted to use their private vehicle for Council purposes.~~ In such instances, reimbursement will be equivalent to the per kilometre rate as specified in the NSW Local Government (State) Award with the total claim not exceeding the cost of return air travel, where available, plus transfer costs.
- A hire car may be utilised by Council in instances such as travel to and from Sydney airport when a number of Councillors are attending a Conference or where a Council vehicle is unavailable.

Air Travel

Australia and New Zealand

- Economy class, where air travel time is less than four (4) hours.
- Premium economy class, where air travel time exceeds four (4) hours. Where premium economy class is unavailable, business class is appropriate.
- Overseas.
- Air travel – premium economy, where available; if not available, business class.
- A Councillor seeking to extend travel for personal reasons whilst overseas on Council business must seek the approval of the Lord Mayor prior to making travel arrangements and must meet all additional costs associated with the extension.

Travel Arrangements

All Councillor travel arrangements will be centrally coordinated and booked by a Council officer with Council's approved travel provider or via the internet.

Conference Reports

After returning from Conferences or overseas travel, a Councillor is to provide a written report to Council via the Information Folder on an assessment of the event including the benefit to Council and the community and the knowledge gained.

No such report is required in respect of the Local Government NSW Annual Conference and the Australian Local Government Association's National General Assembly of Local Government.

Each quarter the General Manager shall inform Councillors via the Information Folder of the Conferences attended by Councillors and the expenses incurred.

Local Travel Expenses – Official Council Business

- Private Vehicle – If the Lord Mayor or a Councillor is required to use his/her private vehicle, reimbursement will be equivalent to the per kilometre rate as specified in the NSW Local Government (State) Award. This allowance takes into account the use, maintenance and depreciation of the vehicle.
- Public Transport – Councillors travelling by taxi or other means of public transport shall be reimbursed for actual expenses incurred subject to substantiation within 30 days of the costs being incurred. Council will provide Councillors with access to the Wollongong Taxi Service for travel in the Wollongong area on Council related business with all costs charged to Council.
- Official Council Business includes, but is not limited to, attendance at the following:
 - all Council and Committee meetings including Council reference groups and Councillor briefing forums;
 - civic receptions;
 - meetings and inspections;
 - authorised conferences, seminars and training;
 - Independent Hearing and Assessment Panel (IHAP) and/or formal facilitation sessions;
 - meetings of external organisations where the Councillor is an elected Council delegate or alternate delegate; and
 - where Councillor attendance is required at official Council events as indicated on the Corporate Diary.

Councillors are to take the most direct route when travelling on Council business.

Professional Development

- All Councillors are expected to attend any Post Election Seminars coordinated by the Office of Local Government.
- Councillors are expected to familiarise themselves with the Councillor Development Strategy which is a joint initiative of the Office of Local Government and the Local Government and Shires Associations of New South Wales.
- Councillors are encouraged to undertake relevant training and skills development as part of the Local Government Professional Development Program and other appropriate programs to assist them in carrying out their civic duties.
- Council will include in its annual budget a specific allocation for Councillors training and educational expenses. This budget will be increased to provide for additional training following a Council general election or introduction of new legislation.
- Councillors are required to complete the Councillor Request to Attend External Event application for approval in accordance with this Policy – refer Approval Arrangements.

Care and Other Related Expenses

- ~~Council will provide a child care service during Council and Committee meetings. The cost for the use of this service will be in accordance with Council's Annual Fees and Charges and will be deducted from the Councillor's next monthly fee payment.~~
- Council will reimburse Councillors the costs of reasonable child care expenses whilst attending:
 - Council and Committee meetings; and
 - the Local Government NSW Annual Conference during consideration of conference motions and conference dinner. All other child care expenses incurred at the Conference are to be met by the relevant Councillor.
- Council will reimburse Councillors for the reasonable carer expenses incurred for immediate family members in order to allow the Councillor to fulfil his/her Council business obligations. Examples are care of elderly, disabled or sick family members.
- All costs are subject to substantiation and will be reimbursed with the Councillor's next monthly fee payment.
- Reimbursement of Care and other related expenses will be made up to a limit of \$2,000 per year.
- Reimbursement does not apply where the care is provided by immediate family members including family, spouse or partner.

Protection Expenses and Obligations

- Council may assist in providing protection to Councillors from any adverse security breaches to their person or property. Approval of the General Manager must be sought and gained prior to any expenses being incurred by Councillors.
- The General Manager will determine requests after consultation with the NSW Police as to the risk and history of the matter. These protection measures may take the form of a security assessment, installation of a security system and/or physical monitoring.
- Council will, subject to substantiation, reimburse Councillors for expenses that they may incur up to a limit of \$2,000 per year.
- Should an amount above the \$2,000 per year limit be required by any Councillor, the matter will be referred to Council for determination after taking advice from the General Manager, Independent Chair of the Corporate Governance Committee and/or the Professional Conduct Coordinator.

Insurance Expenses and Obligations

Councillors are to receive the benefit of insurance coverage effected by Council subject to any [terms, conditions, exclusions and](#) limitations of the policy of insurance effected by Council, for:

- a *Travel for Councillors and accompanying spouses/partners on Council Business within Australia (outside of 100km from Wollongong) and Worldwide:*
 - Personal injury and capital benefits;

- Medical, evacuation and additional expenses (excluding medical expenses payable within Australia);
- Evacuation cover (non-medical);
- Baggage, travellers cheques, travel documents and credit cards, portable computers, display property and money;
- Loss of deposits and cancellation charges;
- Rental vehicle excess expenses; and
- Personal liability.

b Personal Accident for Councillors

- Lost wages for injury and capital benefits for death or permanent disability
- Non-Medicare medical expenses.

c Councillor's Liability

Liability to a third party arising out of Councillors' exercise of their functions as Councillors including liability in the form of awards of damages (including punitive and exemplary damages), awards of costs or settlements (including plaintiff's legal costs and expenses), pre- and post-judgment interest on a covered judgment or award, and the multiplied portion of multiple damages, defence/investigation costs, appeal costs, fines and penalties pursuant to any statute arising from any actual, alleged or proposed act, error or omission, breach of duty, breach of trust, misstatement, misleading statement or breach of warranty of authority by a Councillor.

Legal Expenses and Obligations

1 Councillors are to receive the benefit of relevant insurance coverage that may be effected by Council for Legal Services in the event of:

a An enquiry, investigation or hearing by an appropriate investigative or review body including:

- Council's Conduct Review Committee/Reviewer;
- Independent Commission Against Corruption;
- Office of the NSW Ombudsman;
- Office of Local Government;
- NSW Police Force;
- Director of Public Prosecutions or
- NSW Civil and Administrative Tribunal;

into the conduct of a Councillor; or

b Legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's exercise in good faith of their functions as a Councillor.

Provided the circumstances of the matter are reported to Council's relevant insurance provider who in turn consents to the legal services and costs prior to the costs being incurred.

Council shall subject to the terms and condition of the insurance coverage reimburse such Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a Solicitor/client basis, provided that:

- i approval of the General Manager and insurance provider for the nominated solicitor and their hourly rates is both sought and gained in writing prior to legal expenses being incurred;
- ii approval of the General Manager and insurance provider for any additional legal expenses is both sought and gained in writing prior to those expenses being incurred;
- iii the outcome of the legal proceedings is favourable to the Councillor or where an investigator or review body makes a finding that is not substantially unfavourable to the Councillor;
- iv the amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis; and
- v the Councillor's exercise of their function was, in the opinion of Council, bona fide and proper and as a Councillor.

2 Notwithstanding any other provisions of this Policy the following costs cannot be the subject of reimbursement:

- i the costs of any action in defamation taken by a Councillor as plaintiff in any circumstances;
- ii the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation;

- iii legal costs for legal proceedings that do not involve a Councillor performing their role as a Councillor;
- iv legal costs of legal proceedings initiated by a Councillor [under any circumstances](#); or
- v the costs of defending any matter relating to the eligibility of a Councillor to stand for election.

END OF PART 2

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PART 3 – PROVISION OF FACILITIES

GENERAL PROVISIONS

Provision of Facilities Generally

The facilities, equipment and services made available under this policy are considered appropriate to support the Lord Mayor and Councillors in undertaking their role as elected members of Council.

Private Use of Equipment and Facilities

Councillors should not generally obtain private benefit from the provision of equipment and facilities, nor from travel bonus or any other such loyalty schemes. However, it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment.

PROVISION OF EQUIPMENT AND FACILITIES FOR COUNCILLORS

Office

- A furnished Councillors room is provided on the tenth floor of the Administrative Centre for use by all Councillors.
- This office will incorporate two computers configured to Council's standard operating environment, printing facility, telephones and a refrigerator.

Mobile Telephony

- A Smart Phone with a minimum of 1000Mb data allowance will be available to Councillors for official use on request.
- Council will meet the cost of calls up to a maximum of \$300 (Excluding GST) per quarter with any additional costs being borne by the individual Councillor and will be deducted from their next monthly Councillor fee payment.
- International roaming and message bank roaming will be activated when requested by a Councillor proposing overseas travel. However, where the travel is for vacation or personal business purposes all outgoing call costs incurred are to be reimbursed to Council by way of deduction from the next Councillor monthly fee payment.
- Each month Councillors will receive a copy of their monthly smart phone account and be required to complete an online mobile phone usage declaration, highlighting any personal calls charges to be reimbursed to Council by way of deduction from their next monthly Councillor fee payment. The declaration is to be completed each month.
- A Councillor may wish to use their private mobile phone in lieu of a Council provided smart phone and in such circumstances Council will meet the cost of Council business related calls only, up to a maximum of \$300 per quarter subject to submission of their monthly telephone account highlighting that expenditure has been incurred. The Councillor will be responsible for any mobile phone access plan.

Information Communication Technology

Council will provide Councillors with a Council specified standard Tablet PC package, printing facility and internet access.

- Councillors will be provided with appropriate induction in the use of the provided equipment.
- Internet access will be filtered by Council. A minimum of 3000Mb data allowance is included with all excess charges being reimbursed to Council by way of deduction from their next monthly Councillor fee payment.
- Usage of all Council provided technology requires compliance with Council's Technology Systems Acceptable Usage Policy. Councillors will be required to endorse a copy of the policy indicating that they have read the contents and agree to comply with the policy. Any alleged breach will be referred to the General Manager for appropriate action.
- Council will provide support services during business hours, being 8.30 am to 5.30 pm, to assist Councillors in resolving operational issues. Such support will only relate to Council related services and applications. Non Council related applications will not be installed.

- Councillors will be provided with consumables such as printer cartridges and paper for Council related purposes and will be available for collection at Council's Administrative Centre.
- Councillors may be reimbursed for the use of private printing device consumables (printer cartridges and paper), upon presentation of receipts, up to an annual value of \$250. Councillors must submit their claim, quoting an estimated percentage of Council use of the private printing device and will be reimbursed for the equivalent percentage of the total cost of the consumables. For example, where an estimated percentage of Council use is 50%, reimbursement will be 50% of the total cost of the item/s.
- Access to a Council supplied email address and Councillor Portal will be provided on the Tablet PC and the computers in the Councillors Room on the tenth floor of the Administrative Centre.

Shredder

A medium duty personal shredder up to a maximum capacity of 10 pages shall be provided to the Lord Mayor and Councillors on request.

Newspaper

One Illawarra Mercury newspaper home delivered Monday to Saturday, and/or subscription to the digital edition of the Illawarra Mercury.

Stationery

Lord Mayor and Councillor stationery, business cards, briefcase, diary and Christmas cards – Lord Mayor (up to 150 pa) and Councillors (up to 100 pa).

Council stationery is not to be converted or modified in any way and may only be used for carrying out the functions of civic office.

Postage

All outgoing mail is to be included as part of Council's daily mail collection by Australia Post and as such needs to be delivered to Council's Administrative Centre. Mail is not permitted to be delivered directly to an individual Post Office.

Meals

Councillors will be provided with a meal and refreshments, excluding alcohol, prior to Council meetings, Standing Committee meetings and Councillor briefings.

Refreshments

Beverage service in the Councillors' Room, excluding alcohol.

Use of Motor Vehicle

- Councillors may request the use of a Council motor vehicle for official business use.
- Councillors are required to complete a Councillor Motor Vehicle Requisition and must comply with the general conditions of the Motor Vehicle Management Policy. Where a number of Councillors are attending the same function, every attempt is to be made to share motor vehicles.
- ~~A minimum of 48 hours' notice is required for access to a vehicle for overnight use and 7 days' notice for longer periods.~~
- A Councillor is permitted to use their private vehicle for (non-local) official Council related business:
 - o where a Council vehicle is not available; or
 - o in circumstances where it is considered reasonable and is pre-approved by the Lord Mayor. ~~Only where a Council vehicle is not available is a Councillor permitted to use their private vehicle for Council purpose~~

In such instances, reimbursement will be equivalent to the per kilometre rate as specified in the NSW Local Government (State) Award.

- Individual drivers are personally liable for all fines resulting from breaches of traffic laws and regulations and parking offences when using a Council provided vehicle and when using a private vehicle for Council related business.

Parking

Councillors will be provided with two Wollongong City Council stickers for affixing to their private vehicle to enable them to park in the Administrative Centre car park or the Stewart Street East car park free of charge when attending the City on Council business.

Lockers

A locker will be provided for each Councillor.

Insignia of Office

Councillors will be provided with a jacket and name badge to be worn at civic functions indicating that the wearer holds the office of Deputy Lord Mayor and/or Councillor.

Secretarial Support

Council staff will be available on the tenth floor of Council's Administrative Centre as required to provide Councillors with stenographic and administrative support.

Correspondence

- Correspondence to individual residents or groups of residents should be directly related to issues concerning that resident or group of residents.
- Correspondence should not refer to the Lord Mayor or Councillor's political allegiance or non-allegiance to any political group, organisation or party. This relates to any hard copy and/or electronic correspondence sent as Council business.
- The Lord Mayor and Councillors should be mindful, particularly in the lead up to elections, that material should not directly or indirectly seek to promote the electoral prospects of any individual or group.
- The content of mass correspondence (more than 50) with residents, which utilise Council resources, facilities or funds, should be referred to the General Manager or Public Officer for perusal as to its compliance with the above policy, prior to distribution.

PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR LORD MAYOR

Motor Vehicle

- A fully serviced and maintained ~~Holden Caprice or equivalent~~ vehicle with a value (inclusive of GST) below the Luxury Car Tax (LCT) threshold for official civic duties and incidental use or a credit through a Novated Lease to a similar value.
- Full private use is available in accordance with the private use provisions contained within Council's Vehicle Management Policy.
- Servicing ensures that the vehicle is serviced, cleaned and fuelled ready for daily use.
- The Lord Mayor is personally liable for all fines resulting from breaches of traffic laws and regulations and parking offences incurred whilst driving this vehicle.

Office

- A furnished office suite located on the tenth floor of Council's Administrative Centre.
- This office will incorporate a computer configured to Council's standard operating environment where required/requested, telephones, refrigerator and meeting room.

Purchase Card

A Purchase Card will be provided to meet hospitality, reasonable incidental and other expenses incurred by the Lord Mayor in discharging his or her functions on behalf of Council. Use of the Purchase Card is to be in accordance with Council's Purchase Card Policy.

Motor Vehicle Parking Space

A permanent parking space in the basement of Council's Administrative Centre will be provided to the Lord Mayor and Deputy Lord Mayor.

Staff

- An Executive Officer will provide executive support on a full time basis if required.
- A Personal Assistant will provide stenographic/clerical support on a full-time basis.

Refreshments

Food and beverage service associated with hosting meetings within the Administration Building, excluding alcohol.

Insignia of Office

- Provision of a jacket, badge and name plates to be worn at civic functions indicating that the wearer holds the offices of Lord Mayor and Councillor.
- Provision of a Lord Mayoral Robe and Chain to be worn at civic receptions, citizenship ceremonies and other appropriate functions.

MAINTENANCE AND SERVICING OF EQUIPMENT

- Servicing and repairs to all Council provided equipment will be coordinated through Council's IT Help Desk facility during business hours, being 8.30 am to 5.30 pm, on the basis of a back-to-base service.
- All servicing and repairs to any privately owned equipment will be the responsibility of the individual Councillor irrespective of whether it is used for Council related business.

END OF PART 3

PART 4 – OTHER MATTERS

A Acquisition and Returning of Facilities and Equipment by Councillors

- All equipment provided to Councillors remains the property of Council except where Councillors are seeking to purchase equipment in accordance with this policy.
- Councillors are to return all Council owned equipment to the location nominated by the Manager Governance and Information in accordance with the following circumstances:
 - Local Government Election – by 5.00 pm on the day preceding the day of the election;
 - Resignation from Civic Office – by 5.00 pm on the day of resignation; and
 - Extended Leave of Absence – where a Councillor has been granted leave of absence for a period of more than three (3) months.
- A Councillor will be provided with the opportunity to purchase Council owned equipment in accordance with the following:
 - Where a Councillor has been in office for at least one full term of Council;
 - Where a Councillor has indicated that he/she is not standing for re-election at the next Council election;
 - Where a Councillor has been unsuccessful in seeking re-election; and
 - The sale price will be determined by the General Manager based on fair market value.
- The opportunity to purchase Council owned equipment will not be available to a Councillor who:
 - Is disqualified from holding civic office;
 - Is dismissed from civic office; or
 - Ceases to hold civic office for any other reason.

B Status of the Policy

Council may amend this Policy from time to time in accordance with the provisions of Sections 252 and 253 of the Local Government Act. However Council must adopt such a Policy within five (5) months after the end of each year as required by Section 252.

For the purposes of this Policy a 'year' is defined as being a financial year.

C Dispute Resolution

Where an individual Councillor disputes the decision on an expenses claim, Councillor Request to Attend External Event application or the provision of facilities the following process will apply:

- The Councillor must notify the General Manager, in writing, of the details of the claim or request for facilities;
- The General Manager will investigate the issue and inform the Councillor of the decision, in writing, within seven (7) days of the request being received;
- Should the Councillor not accept the General Manager's decision, the General Manager will submit a report to Council outlining the reasons for denying the claim or request; and

Council's decision will be final and no further appeal will be permitted.

SUMMARY SHEET	
Responsible Division	Governance and Information
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	13 October 2014; 11 November 2013; 8 April 2013; 12 November 2012; 28 November 2011; 26 July 2011; 19 November 2007; 17 October 1994
Date of next review	30 September 2016
Prepared by	Governance Officer
Authorised by	Manager Governance and Information

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BACKGROUND

All depositors of waste at Council's Wollongong Waste and Resource Recovery Park (Whytes Gully) are required to pay the fees and charges as adopted by Council; however Council acknowledges that circumstances may arise where it is appropriate to waive such fees.

OBJECTIVE

To establish a consistent approach in respect of any exemptions to payment of Council's prescribed tipping fees.

POLICY STATEMENT

This policy establishes a consistent approach in determining tipping fee exemptions.

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STATEMENT OF PROCEDURES

The following rules will apply in relation to waste disposal exemptions –

- 1 Suitable domestic materials, other than specified items, destined solely for the recycling or revolve centres will be exempt.
- 2 Suitable charitable organisation-derived material, other than specified items, destined solely for the recycling centre will be exempt.
- 3 Cover material will be exempt at Waste Services approval.
- 4 RSPCA is exempt from the Dead Animal fee.
- 5 All current Pensioner Concession Card holders from the Wollongong Local Government Area are exempt when taking loads 100kg or less of General Waste for landfill or Garden Organics for reprocessing (proof of residency and a current Pensioner Concession Card must be provided and the cardholder present). *Eligible pension card holders who dispose of greater than 100kg in any one transaction will be charged for the portion of their transaction that is greater than the 100kg limit.*
- 6 All current Pensioner Concession Card holders from the Wollongong Local Government Area are exempt for a maximum of two (2) transactions per financial year of General Waste for landfill and two (2) transactions per financial year of Garden Organics for reprocessing.
- 7 Charities who have gained approval from the Environment Protection Authority to be exempt from the Protection of the Environment Operations Act Section 88 Levy will also be exempt from Council disposal fees under the following conditions:
 - Proof of the exemption must be in writing and current;
 - Exemption only for unusable goods and materials recovered from public donations received at the charities' local facilities;
 - Exemption only covers materials from the Wollongong Local Government Area; and
 - Loads containing recyclable materials will not be accepted for disposal to landfill (including but not limited to paper, cardboard, eWaste, scrap metal). Loads containing these materials will be rejected.

There will be no exemption for:

- Garden Organics and Wood Waste;
- Commercial and business waste; and
- Specified items including tyres and mattresses.

The General Manager be the delegated authority to determine individual requests for the waiving of fees for charitable organisations.

SUMMARY SHEET

Responsible Division	City Works and Services
Date adopted by Council	PROPOSED for Council Review - 14 September 2015
Date of previous adoptions	Council 14 July 2014 Executive Management Committee 28 November 2005, Council 12 September 1988
Date of next review	July 2017
Prepared by	Waste Services Manager
Authorised by	Manager City Works and Services

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**Bald Hill Reserve Upgrade – Stage 2B
T15/21**



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This map has been prepared to show the highest possible quality of data. No liability will be accepted for any inaccuracies of the information shown.
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WOLLONGONG CITY COUNCIL

1 July 2015 to 31 July 2015

	2014/15 Original Budget \$'000	2014/15 Current Budget \$'000	2014/15 YTD Budget \$'000	2014/15 Actual YTD \$'000
Income Statement				
Income From Continuing Operations				
Revenue:				
Rates and Annual Charges	173,253	173,253	14,675	14,749
User Charges and Fees	33,194	33,194	2,634	2,487
Interest and Investment Revenues	4,772	4,772	400	521
Other Revenues	9,454	9,454	768	867
Grants & Contributions provided for Operating Purposes	28,846	28,846	2,441	2,604
Grants & Contributions provided for Capital Purposes	14,520	14,520	1,138	979
Other Income:				
Profit/Loss on Disposal of Assets	0	0	(0)	(158)
Total Income from Continuing Operations	264,040	264,040	22,055	22,049
Expenses From Continuing Operations				
Employee Costs	113,797	113,797	9,659	9,143
Borrowing Costs	4,206	4,206	356	386
Materials, Contracts & Other Expenses	89,130	89,130	7,043	6,592
Depreciation, Amortisation + Impairment	62,074	62,074	5,258	5,258
Internal Charges (labour)	(11,876)	(11,876)	(999)	(821)
Internal Charges (not labour)	(1,400)	(1,400)	(119)	(102)
Total Expenses From Continuing Operations	255,932	255,932	21,199	20,455
Operating Results From Continuing Operations	8,108	8,108	856	1,593
Net Operating Result for the Year	8,108	8,108	856	1,593
Net Operating Result for the Year before Grants & Contributions provided for Capital Purposes				
	(6,412)	(6,412)	(282)	614
NET SURPLUS (DEFICIT) [Pre capital] %	3.1%	3.1%	3.9%	7.2%
Funding Statement				
Net Operating Result for the Year	8,108	8,108	856	1,593
Add back :				
- Non-cash Operating Transactions	77,378	77,378	6,549	6,720
- Restricted cash used for operations	15,464	15,464	1,309	546
- Income transferred to Restricted Cash	(34,812)	(34,812)	(2,636)	(2,526)
- Payment of Accrued Leave Entitlements	(11,550)	(11,550)	(794)	(1,294)
- Payment of Carbon Contributions	0	0	0	0
Funds Available from Operations	54,588	54,588	5,285	5,039
Advances (made by) / repaid to Council	0	0	0	0
Borrowings repaid	(6,371)	(6,371)	0	0
Operational Funds Available for Capital Budget	48,217	48,217	5,285	5,039
CAPITAL BUDGET				
Assets Acquired	(86,256)	(86,256)	(2,625)	(2,762)
Contributed Assets	0	0	0	0
Transfers to Restricted Cash	0	0	0	0
Funded From :-				
- Operational Funds	48,217	48,217	5,285	5,039
- Sale of Assets	2,008	2,008	51	0
- Internally Restricted Cash	5,136	5,136	99	4
- Borrowings	0	0	0	0
- Capital Grants	9,439	9,438	19	26
- Developer Contributions (Section 94)	6,510	6,510	361	279
- Other Externally Restricted Cash	9,460	9,460	130	97
- Other Capital Contributions	2,365	2,365	19	0
TOTAL FUNDS SURPLUS / (DEFICIT)	(3,122)	(3,122)	3,338	2,684

**Manager Project Delivery Division
Commentary on July 2015 Capital Budget Report**

As at 31 July 2015, year to date expenditure was \$2.8M of the initial capital budget of \$86.3M. This value is \$0.2M above the initial forecast YTD expenditure for July of the 2015-16 capital budget.

The following table summarises the proposed changes to the Capital Budget by a combination of transfer of budget between various capital budget programs plus the introduction or reduction of external funding or loans funding. These changes result in an increase in the 2015-16 capital budget of 2.5M from \$86.2 to \$88.7M.

Program	Major Points of change to Capital Budget
Traffic Facilities	Introduction of external funding from Roads and Maritime Services (State Govt) and Roads to Recovery (Federal Govt.) funding programs plus adjustments to Sect 94 finding on various
Road Works	Introduction of external funding from Roads and Maritime Services (State Govt) and Roads to Recovery (Federal Govt.) funding programs. Allocate funds from contingency (\$0.5M) for increased costs to various projects relating to increased waste disposal costs associated with adoption of compliance standards)
Bridges, Boardwalks & Jetties	Introduction of external funding from Roads and Maritime Services.
Footpaths	Introduction of additional loan funding from Local Infrastructure Renewal Scheme (LIRS 1) and adjustments to Sect 94 to various projects.
Cycle/Shared Paths	Introduction of external funding from Roads and Maritime Services (State Govt). Return LIRS 1 and Sect 94 funds to respective reserves
Commercial Centre Upgrades – Footpaths and Cycleways	Reallocate budget to Road Works Program
Floodplain Management	Reallocate budget to Stormwater Management Program
Stormwater Management	Reallocate budget from Stormwater Management Program
Community Buildings	Reallocate budget to Public Facilities (Shelters Toilets etc.) Program. Allocate funds from Contingency for demolition of Mt Keira Summit Function Centre
Public Facilities (Shelters, toilets etc)	Reallocate budget from Community Buildings Program
Play Facilities	Introduce external funding from Cancer Council for new playground shade structure
Sporting Facilities	Adjustments to sports facilities priority funding program allocations primarily due to some 15/16 projects being completed ahead of schedule in 14/15.
Beach Facilities	Reallocate budget to Rock/Tidal Pools Program
Rock/Tidal Pools	Reallocate budget from Beach Facilities and Treated Water Pools Programs
Treated Water Pools	Reallocate budget to Rock/Tidal Pools Program
Mobile Plant (trucks backhoes etc)	Introduce external funding from Friends of the Botanic Gardens for purchase of specialised vehicle for running tours in the Botanic Gardens.
Capital Project Contingency	Distributions to various capital programs as detailed above.

CAPITAL PROJECT REPORT

as at the period ended 31 July 2015

ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000	
	CURRENT BUDGET		PROPOSED BUDGET			VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
Roads And Related Assets							
Traffic Facilities	1,300	(730)	2,558	(1,388)	75	1,258	(658)
Public Transport Facilities	441	(172)	441	(172)	5	(0)	(0)
Roadworks	10,982	(1,957)	11,927	(3,511)	342	945	(1,554)
Bridges, Boardwalks and Jetties	1,700	(300)	1,750	(350)	14	50	(50)
TOTAL Roads And Related Assets	14,423	(3,159)	16,676	(5,421)	435	2,253	(2,262)
West Dapto							
West Dapto Infrastructure Expansion	7,794	(6,705)	7,794	(6,705)	32	(0)	0
TOTAL West Dapto	7,794	(6,705)	7,794	(6,705)	32	(0)	0
Footpaths And Cycleways							
Footpaths	6,050	(3,560)	6,652	(4,212)	668	602	(652)
Cycle/Shared Paths	7,951	(6,090)	8,195	(5,715)	430	244	375
Commercial Centre Upgrades - Footpaths and Cycleways	4,200	(435)	4,140	(435)	33	(60)	0
TOTAL Footpaths And Cycleways	18,201	(10,085)	18,987	(10,362)	1,131	786	(277)
Carparks							
Carpark Construction/Formalising	710	(500)	710	(500)	67	(0)	0
Carpark Reconstruction or Upgrading	1,051	0	1,051	0	44	0	0
TOTAL Carparks	1,761	(500)	1,761	(500)	111	0	0
Stormwater And Floodplain Management							
Floodplain Management	2,600	(800)	2,210	(800)	10	(390)	0
Stormwater Management	1,350	(310)	1,740	(310)	76	390	(0)
Stormwater Treatment Devices	250	(150)	250	(150)	0	0	0
TOTAL Stormwater And Floodplain Management	4,200	(1,260)	4,200	(1,260)	86	(0)	0
Buildings							
Cultural Centres (IPAC, Gallery, Townhall)	1,100	0	1,100	0	2	0	0
Administration Buildings	1,280	0	1,280	0	3	(0)	0
Community Buildings	13,373	(3,375)	13,373	(3,375)	(42)	(0)	0
Public Facilities (Shelters, Toilets etc.)	470	0	590	0	137	120	0
TOTAL Buildings	16,223	(3,375)	16,343	(3,375)	100	120	0
Commercial Operations							
Tourist Park - Upgrades and Renewal	750	0	750	0	5	(0)	0
Crematorium/Cemetery - Upgrades and Renewal	390	(200)	390	(200)	0	0	0
Leisure Centres & RVGC	195	0	195	0	1	(0)	0
TOTAL Commercial Operations	1,335	(200)	1,335	(200)	6	(0)	0
Parks Gardens And Sportfields							
Play Facilities	1,120	(25)	1,148	(53)	1	28	(28)
Recreation Facilities	2,998	(1,625)	2,998	(1,625)	43	(0)	(0)
Sporting Facilities	884	(256)	779	(151)	13	(105)	105
Lake Illawarra Foreshore	200	0	200	0	2	0	0
TOTAL Parks Gardens And Sportfields	5,202	(1,906)	5,125	(1,829)	59	(77)	77
Beaches And Pools							
Beach Facilities	655	0	555	0	19	(100)	0
Rock/Tidal Pools	835	0	1,105	0	98	270	0
Treated Water Pools	820	0	650	0	61	(170)	0
TOTAL Beaches And Pools	2,310	0	2,310	0	178	(0)	0

CAPITAL PROJECT REPORT

as at the period ended 31 July 2015

ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000		
	CURRENT BUDGET		PROPOSED BUDGET			VARIATION		
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING	
Natural Areas								
Environmental Management Program	25	0	25	0	1	0	0	
Natural Area Management and Rehabilitation	150	0	150	0	16	(0)	0	
TOTAL Natural Areas	175	0	175	0	17	0	0	
Waste Facilities								
Whytes Gully New Cells	400	(400)	400	(400)	2	(0)	(0)	
Whytes Gully Renewal Works	300	(300)	300	(300)	(0)	(0)	0	
Helensburgh Rehabilitation	2,259	(2,259)	2,259	(2,259)	2	(0)	0	
TOTAL Waste Facilities	2,959	(2,959)	2,959	(2,959)	4	(0)	(0)	
Fleet								
Motor Vehicles	2,448	(1,512)	2,448	(1,512)	0	(0)	0	
TOTAL Fleet	2,448	(1,512)	2,448	(1,512)	0	(0)	0	
Plant And Equipment								
Portable Equipment (Mowers etc.)	480	(296)	480	(296)	0	(0)	0	
Mobile Plant (trucks, backhoes etc.)	2,000	(200)	2,021	(221)	0	21	(21)	
Fixed Equipment	300	0	300	0	(0)	0	0	
TOTAL Plant And Equipment	2,780	(496)	2,801	(517)	0	21	(21)	
Information Technology								
Information Technology	895	0	895	0	0	(0)	0	
TOTAL Information Technology	895	0	895	0	0	(0)	0	
Library Books								
Library Books	1,150	0	1,150	0	203	(0)	0	
TOTAL Library Books	1,150	0	1,150	0	203	(0)	0	
Public Art								
Public Art Works	200	0	200	0	2	(0)	0	
Art Gallery Acquisitions	110	0	110	0	0	0	0	
TOTAL Public Art	310	0	310	0	2	(0)	0	
Emergency Services								
Emergency Services Plant and Equipment	635	0	635	0	6	(0)	0	
TOTAL Emergency Services	635	0	635	0	6	(0)	0	
Land Acquisitions								
Land Acquisitions	100	0	100	0	91	0	0	
TOTAL Land Acquisitions	100	0	100	0	91	0	0	
Non-Project Allocations								
Capital Project Contingency	2,824	0	2,204	0	0	(620)	0	
Capital Project Plan	530	0	530	0	298	0	0	
TOTAL Non-Project Allocations	3,354	0	2,734	0	298	(620)	0	
Loans								
West Dapto Loan	0	(2,760)	0	(2,760)	0	0	0	
TOTAL Loans	0	(2,760)	0	(2,760)	0	0	0	
GRAND TOTAL	86,256	(34,917)	88,738	(37,400)	2,762	2,482	(2,482)	

WOLLONGONG CITY COUNCIL

		Actual 2015/16 \$'000	Actual 2014/15 \$'000
BALANCE SHEET			
		as at 31/07/15	as at 30/06/15
CURRENT ASSETS			
Cash Assets		121,685	124,611
Investment Securities		11,165	11,046
Receivables		19,150	17,636
Inventories		6,055	6,040
Other		8,725	4,313
Total Current Assets		166,780	163,646
NON-CURRENT ASSETS			
Non Current Cash Assets		9,000	9,000
Non-Current Receivables		4,472	4,472
Property, Plant and Equipment		2,248,483	2,251,345
Investment Properties		2,750	2,750
Westpool Equity Contribution		1,159	1,159
Intangible Assets		1,219	1,219
Total Non-Current Assets		2,267,083	2,269,946
TOTAL ASSETS		2,433,863	2,433,592
CURRENT LIABILITIES			
Current Payables		27,771	29,103
Current Provisions payable < 12 months		10,145	10,357
Current Provisions payable > 12 months		34,871	34,871
Current Interest Bearing Liabilities		6,369	6,369
Total Current Liabilities		79,156	80,701
NON-CURRENT LIABILITIES			
Non Current Interest Bearing Liabilities		39,831	39,758
Non Current Provisions		49,137	48,987
Total Non-Current Liabilities		88,968	88,745
TOTAL LIABILITIES		168,124	169,445
NET ASSETS		2,265,740	2,264,146
EQUITY			
Accumulated Surplus		1,133,454	1,133,435
Asset Revaluation Reserve		1,011,064	1,011,064
Restricted Assets		121,222	119,648
TOTAL EQUITY		2,265,740	2,264,146

WOLLONGONG CITY COUNCIL
STATEMENT OF INVESTMENTS
31 July 2015

DIRECT INVESTMENTS

Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
NAB Professional Maximiser	A-1+	-	22,838,113	11am	31/07/2015	31/07/2015	2.25%
ANZ	A-1+	2,500,000	2,500,000	T/Deposit	6/08/2013	6/08/2015	4.05%
NAB	A-1+	2,000,000	2,000,000	T/Deposit	27/02/2014	27/08/2015	3.94%
Bank of Queensland	A-2	3,000,000	3,000,000	T/Deposit	28/11/2014	28/08/2015	3.57%
ING Australia	A-2	5,000,000	5,000,000	T/Deposit	29/08/2013	31/08/2015	4.15%
ING Australia	A-2	4,000,000	4,000,000	T/Deposit	29/08/2013	31/08/2015	4.15%
NAB	A-1+	1,500,000	1,500,000	T/Deposit	29/08/2013	31/08/2015	4.21%
Bank of Queensland	A-2	3,000,000	3,000,000	T/Deposit	18/02/2015	18/09/2015	3.20%
NAB	A-1+	2,000,000	2,000,000	T/Deposit	18/02/2015	18/09/2015	3.16%
ME Bank	A-2	2,500,000	2,500,000	T/Deposit	24/04/2015	21/09/2015	2.95%
Bank of Queensland	A-2	3,000,000	3,000,000	T/Deposit	26/03/2015	23/09/2015	3.10%
Bendigo Bank	A-2	2,000,000	2,000,000	T/Deposit	26/03/2015	28/09/2015	3.00%
ANZ	A-1+	2,000,000	2,000,000	T/Deposit	29/08/2014	29/09/2015	3.74%
Bendigo Bank	A-2	2,000,000	2,000,000	T/Deposit	29/06/2015	29/09/2015	3.00%
Bank of Queensland	A-2	2,000,000	2,000,000	T/Deposit	7/01/2015	7/10/2015	3.50%
Commonwealth Bank	A-1	3,000,000	3,000,000	T/Deposit	13/03/2015	9/10/2015	3.10%
Bendigo Bank	A-2	1,500,000	1,500,000	T/Deposit	24/04/2015	26/10/2015	2.85%
ME Bank	A-2	1,000,000	1,000,000	T/Deposit	1/04/2015	28/10/2015	2.95%
ANZ	A-1+	2,000,000	2,000,000	T/Deposit	29/08/2014	29/10/2015	3.74%
ME Bank	A-2	2,000,000	2,000,000	T/Deposit	31/07/2015	29/10/2015	2.85%
IMB	A-2	2,000,000	2,000,000	T/Deposit	18/05/2015	16/11/2015	2.80%
ME Bank	A-2	3,000,000	3,000,000	T/Deposit	28/05/2015	24/11/2015	2.85%
ANZ	A-1+	2,000,000	2,000,000	T/Deposit	29/08/2014	29/11/2015	3.74%
NAB	A-1+	2,000,000	2,000,000	T/Deposit	28/11/2014	30/11/2015	3.61%
IMB	A-2	2,000,000	2,000,000	T/Deposit	17/12/2014	17/12/2015	3.20%
NAB	A-1+	1,030,000	1,030,000	T/Deposit	17/12/2014	17/12/2015	3.60%
Bendigo Bank	A-2	3,000,000	3,000,000	T/Deposit	29/05/2015	4/01/2016	2.85%
Bank of Queensland	A-2	2,000,000	2,000,000	T/Deposit	26/03/2015	4/01/2016	3.00%
ME Bank	A-2	3,000,000	3,000,000	T/Deposit	18/02/2015	18/01/2016	3.20%
Commonwealth Bank	A-1	5,000,000	5,000,000	T/Deposit	27/02/2015	27/01/2016	3.08%
Bank of Queensland	A-2	2,000,000	2,000,000	T/Deposit	27/02/2014	26/02/2016	4.05%
NAB	A-1+	4,000,000	4,000,000	T/Deposit	27/02/2014	29/02/2016	4.13%
ME Bank	A-2	2,000,000	2,000,000	T/Deposit	18/02/2015	18/03/2016	3.20%
Commonwealth Bank	A-1	3,000,000	3,000,000	T/Deposit	26/03/2015	24/03/2016	2.95%
BankWest	A-2	1,000,000	1,000,000	T/Deposit	31/07/2015	27/04/2016	2.90%
IMB	A-2	2,000,000	2,000,000	T/Deposit	28/05/2015	28/04/2016	2.80%
Westpac	A-1+	1,014,040	1,014,040	FRN	30/01/2012	9/05/2016	3.27%
BankWest	A-2	2,000,000	2,000,000	T/Deposit	31/07/2015	29/07/2016	2.90%
NAB	A-1+	2,500,000	2,500,000	T/Deposit	6/08/2014	8/08/2016	3.74%
Commonwealth Bank	A-1	2,000,000	2,000,000	T/Deposit	27/02/2015	22/08/2016	3.05%
ME Bank	A-2	2,500,000	2,500,000	T/Deposit	27/02/2015	22/08/2016	2.90%
WBC	A-1+	2,000,000	2,000,000	T/Deposit	24/04/2015	19/10/2016	2.90%
WBC	A-1+	3,000,000	3,000,000	T/Deposit	31/07/2015	31/01/2017	2.74%
Bendigo Bank	A-2	2,000,000	2,000,000	T/Deposit	31/07/2015	31/07/2017	3.00%
IMB	A-2	5,000,000	5,000,000	T/Deposit	30/07/2015	31/07/2017	2.80%
Commonwealth Bank Australia zero coupon bond with a \$4M face value	A-1+	2,000,000	3,608,000	BOND	21/01/2008	22/01/2018	
NAB	A-1+	3,000,000	3,016,950	FRN	24/06/2015	3/06/2020	2.95%
EMERALD A Mortgage Backed Security *	AAA	737,518	582,654	M/Bac	17/07/2006	22/08/2022	2.58%
EMERALD B Mortgage Backed Security *	AA	2,000,000	1,351,200	M/Bac	17/07/2006	23/08/2027	2.88%

MANAGED FUNDS

Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Purchase Date	Monthly Return (Actual)	Annualised % p.a.	FYTD (Actual)
Tcorp Long Term Growth Facility Trust	N/A	1,131,841	1,777,601	13/06/2007	3.41%	40.13%	40.13%

Investment Body	Face Value	Security
Southern Phone Company	2	shares

TOTAL **\$ 140,218,560**

* The maturity date provided is the weighted-average life of the security. This is the average amount of time that will elapse from the date of security's issuance until each dollar is repaid based on an actuarial assessment. Assessments are carried out on a regular basis which can potentially extend the life of the investment. Current assessments anticipate an extension of life of the investment.

This is to certify that all of the above investments have been placed in accordance with the Act, the regulations and Council's Investment Policies.

Brian Jenkins

RESPONSIBLE ACCOUNTING OFFICER

Investment Income Compared to Budget 2015-2016



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'.

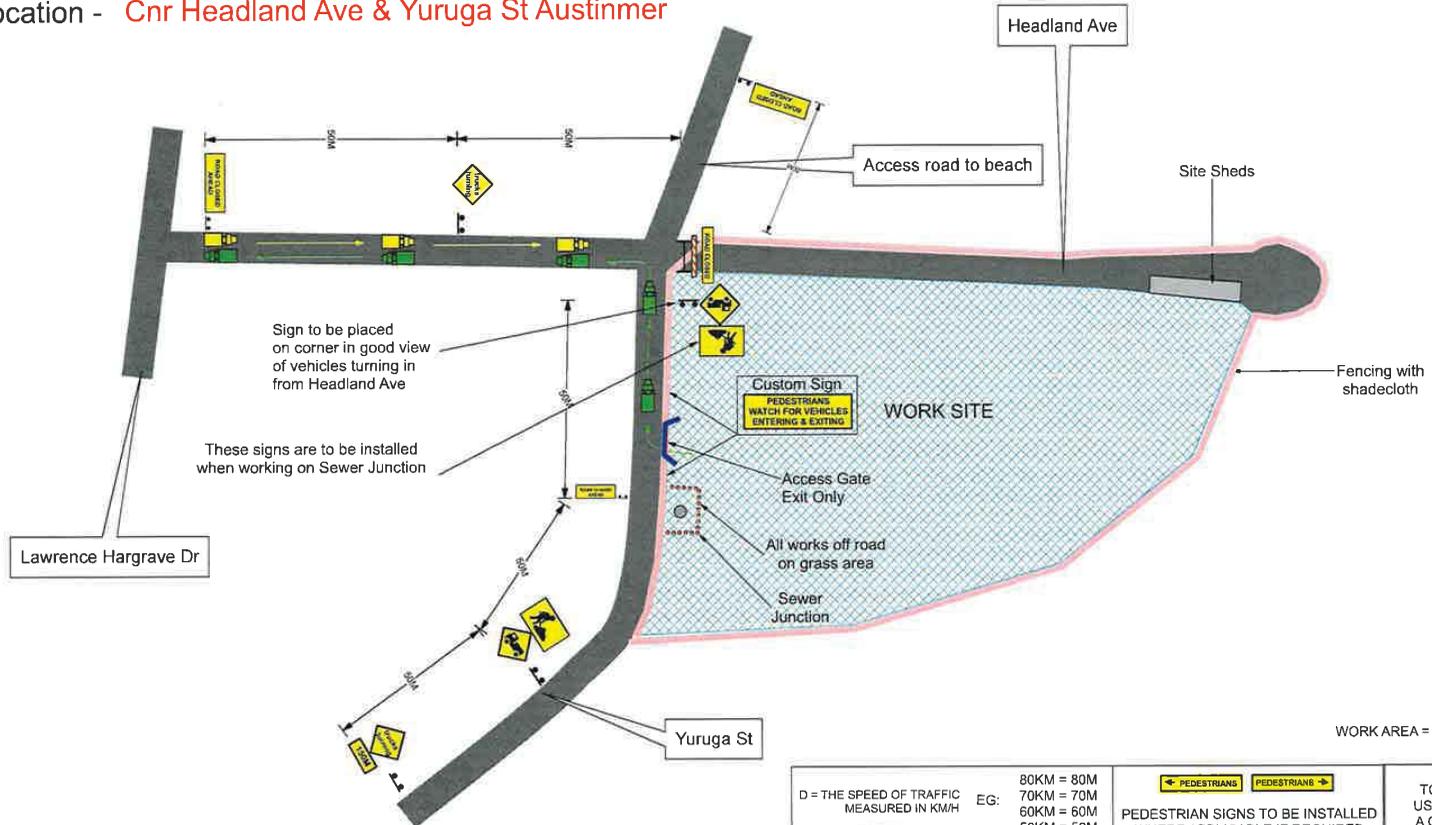
Required information as shown below MUST be attached:

- 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.

Barker Construction

Location - Cnr Headland Ave & Yuruga St Austinmer

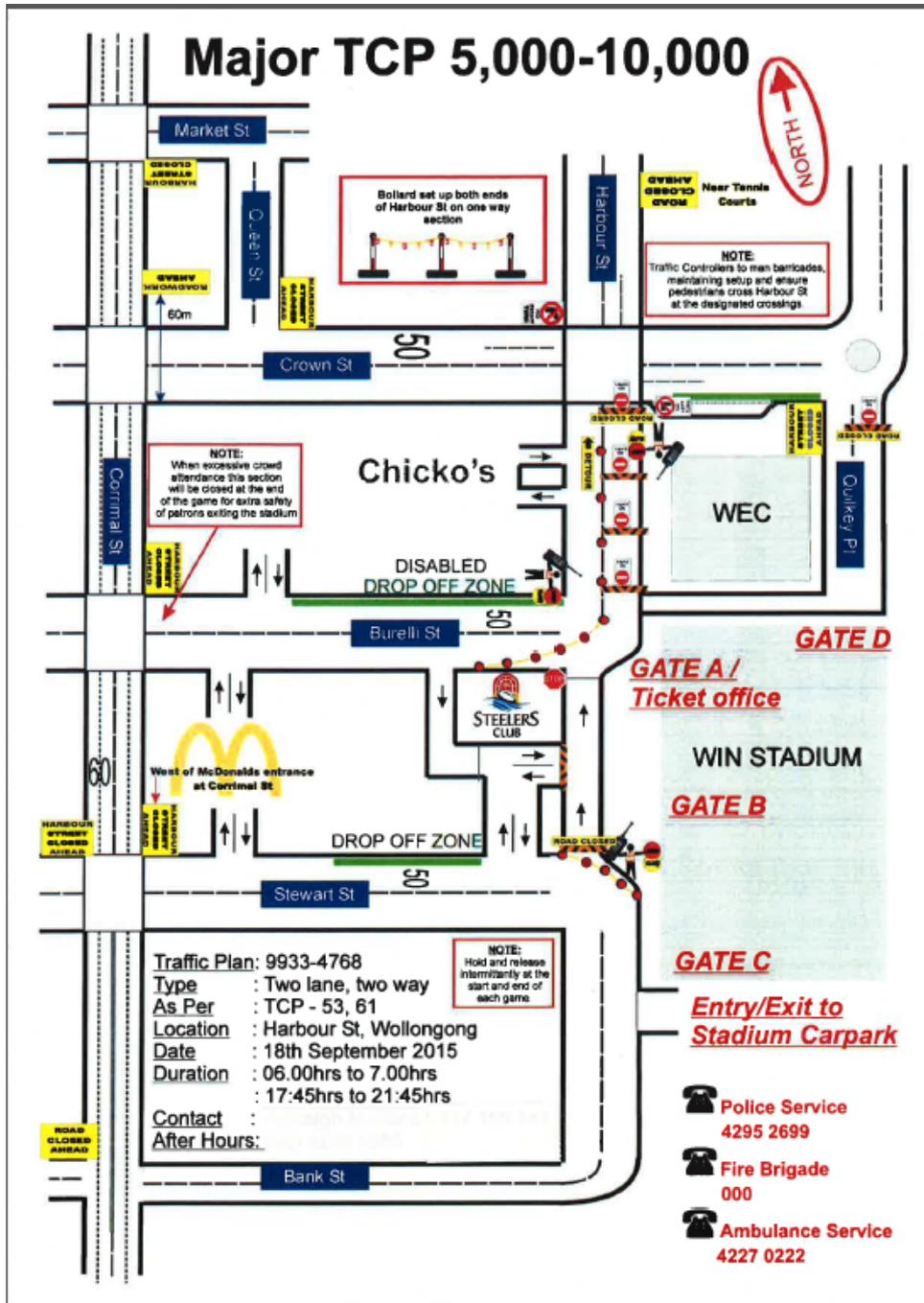


WORK AREA = [REDACTED]

D = THE SPEED OF TRAFFIC MEASURED IN K/MH <small>SEE SECTION 4.2 TRAFFIC CONTROL AT WORK SITES MANUAL.</small>	EG: 80KM = 80M 70KM = 70M 60KM = 60M 50KM = 50M	← PEDESTRIANS PEDESTRIANS →	TCP 54 USED AS A GUIDE
PEDESTRIAN SIGNS TO BE INSTALLED WHERE APPLICABLE IF REQUIRED			

 PLAN NOT TO SCALE BARGEN-J8370.R4	Implemented By Name: Date: Signed: Cert No:	Comments: 1. TCP Designed as a guide only, Team leader to Select & Modify TCP to suit 2. All signage is to be removed on completion of the works 3. Sign distances may vary due to obstructions, driveways etc 4. Traffic Controllers are to manage pedestrians as well. This plan is in accordance with AS 1742.3 Traffic Control Devices at worksites and The RTA "Traffic Control at worksites" manual, 4.0	PROJECT Barker Construction	WOLLONGONG Phone: (02) 42727133 Fax: (02) 42727134 SYDNEY Phone: (02) 9631 7962 Fax: (02) 9631 7963 WEB www.ddtraffic.com.au 	
				D&D TRAFFIC MANAGEMENT DOES NOT ACCEPT LIABILITY FOR IMPLEMENTATION OF THIS TCP IF NOT DIRECTLY INVOLVED IN ITS IMPLEMENTATION	

Attachment 3 – Harbour Street Wollongong



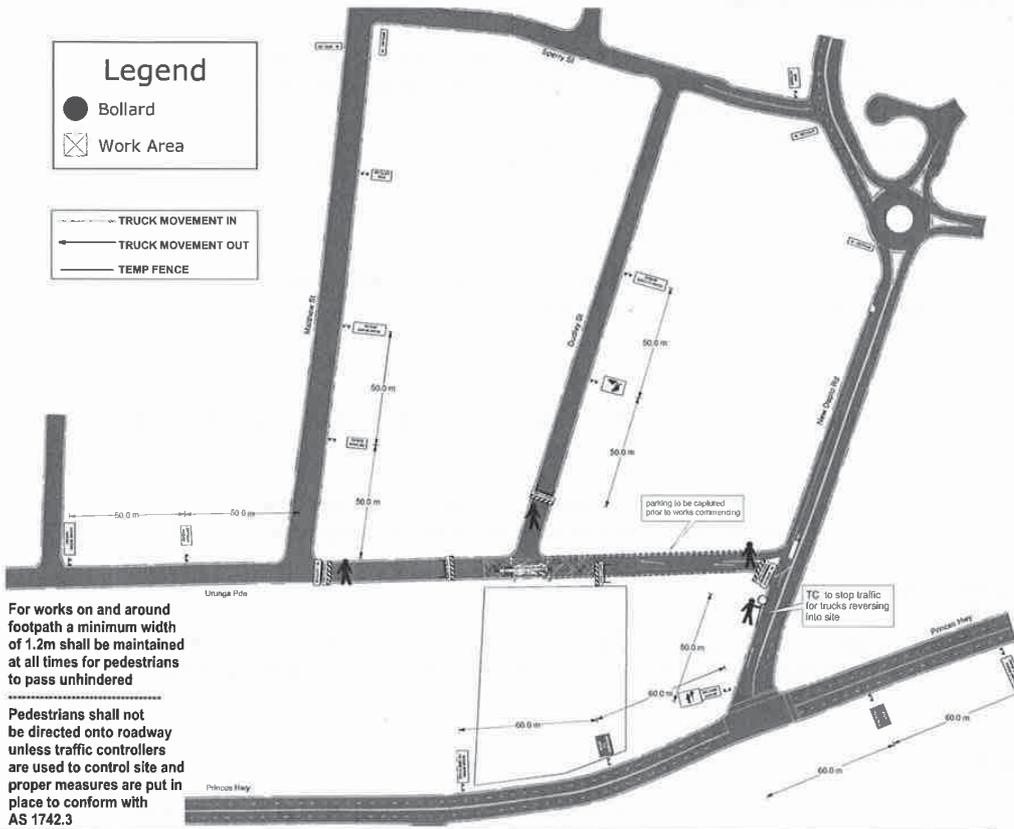
TRAFFIC CONTROL PLAN FOR URUNGA PDE - WOLLONGONG

www.innovation.com

Legend

- Bollard
- ⊠ Work Area

- TRUCK MOVEMENT IN
- ← TRUCK MOVEMENT OUT
- TEMP FENCE



For works on and around footpath a minimum width of 1.2m shall be maintained at all times for pedestrians to pass unhindered

Pedestrians shall not be directed onto roadway unless traffic controllers are used to control site and proper measures are put in place to conform with AS 1742.3

TRAFFIC LOGISTICS	
Client: Resolute Bypass	
Location: Urunga Pde - Wollongong	
Date Drawn: 17/04/2014	
Time of Work: 0700-1900	
Note:	
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) all modifications to be signed off on this TCP along with certification number	
This plan is not to scale	
Traffic Logistics do not accept responsibility of this traffic control plan if it is not implemented by Traffic Logistics Pty Ltd	
North	UBD #: Enter
TCP #: 4634	Rev: B

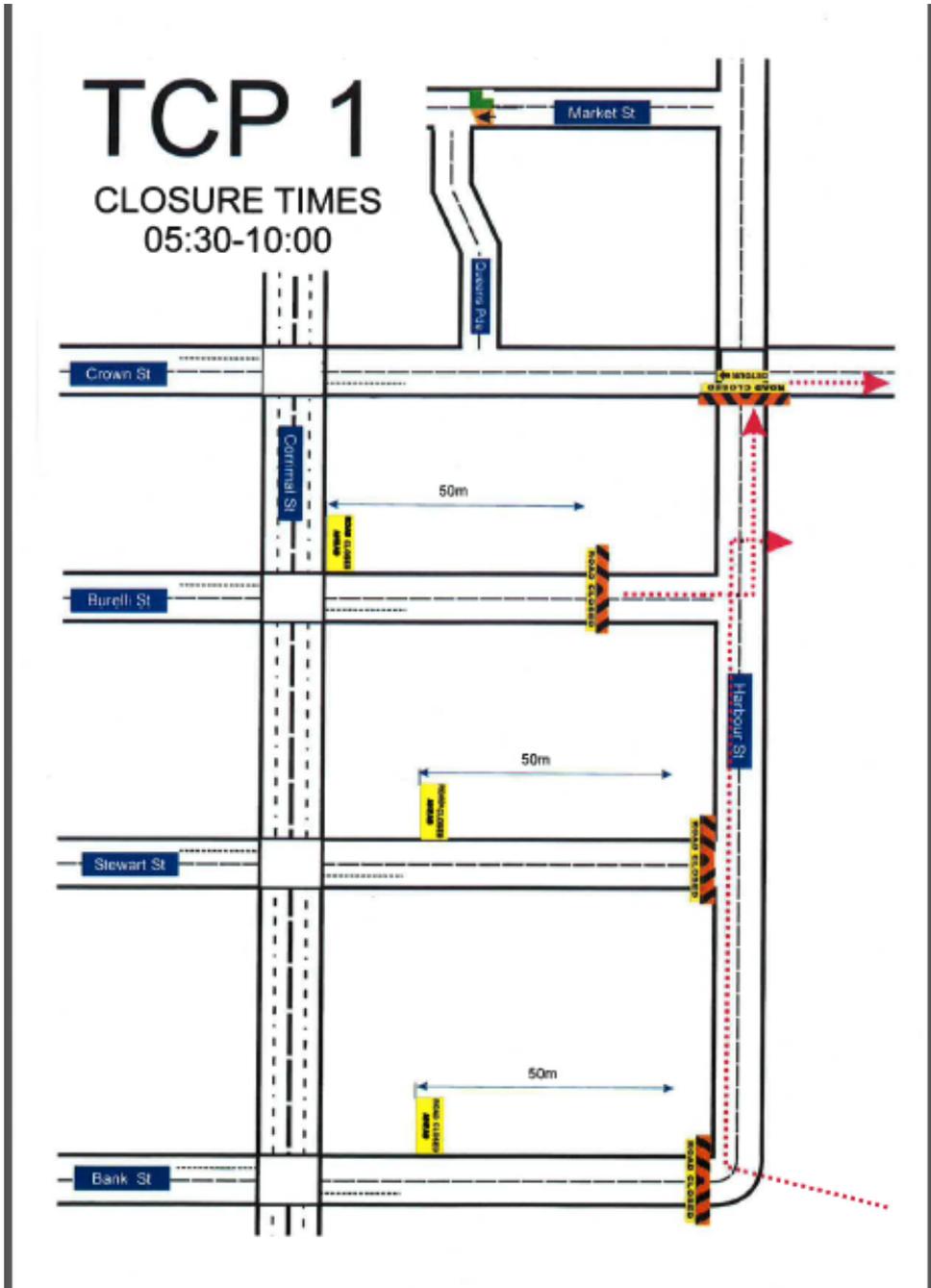


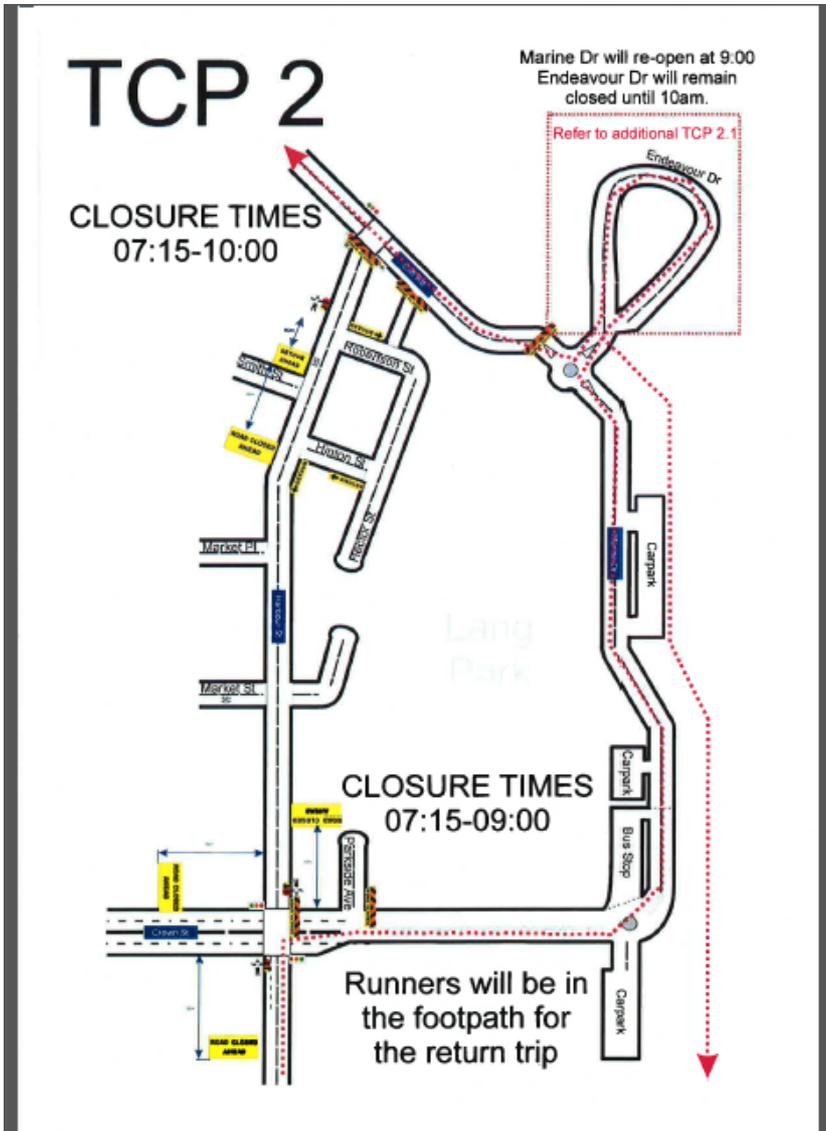
TOM THUMB

Blender Festival 2015

Opening Night - Thurs 1st of Oct 2015

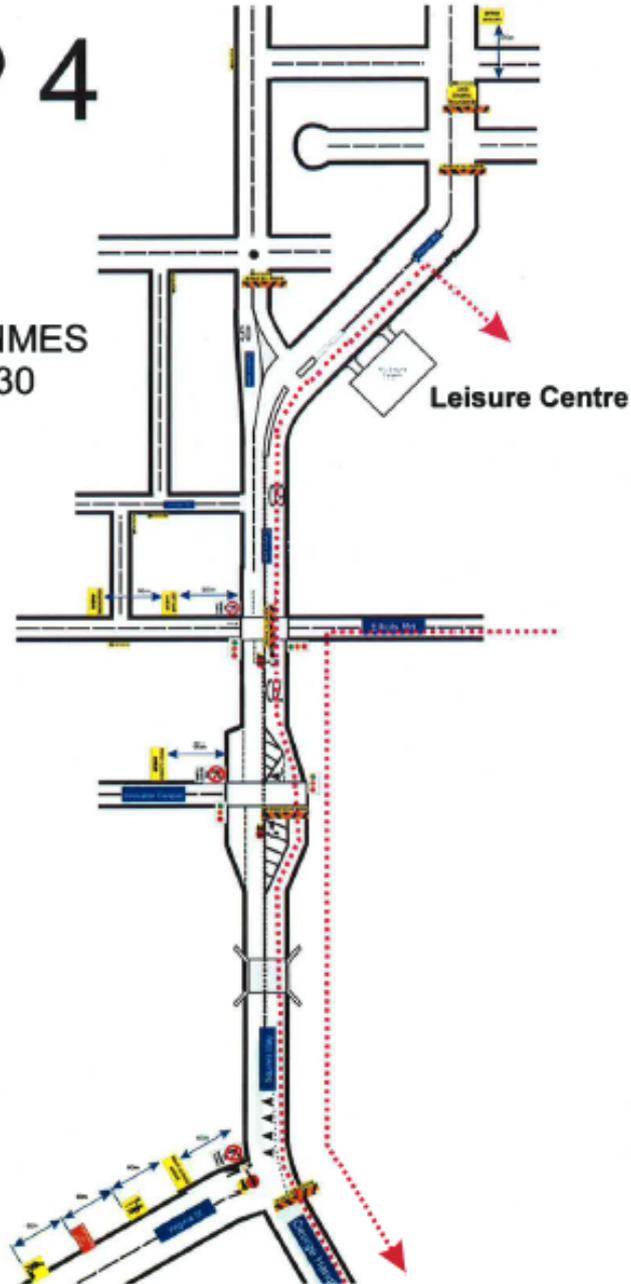
Draft Site Plan





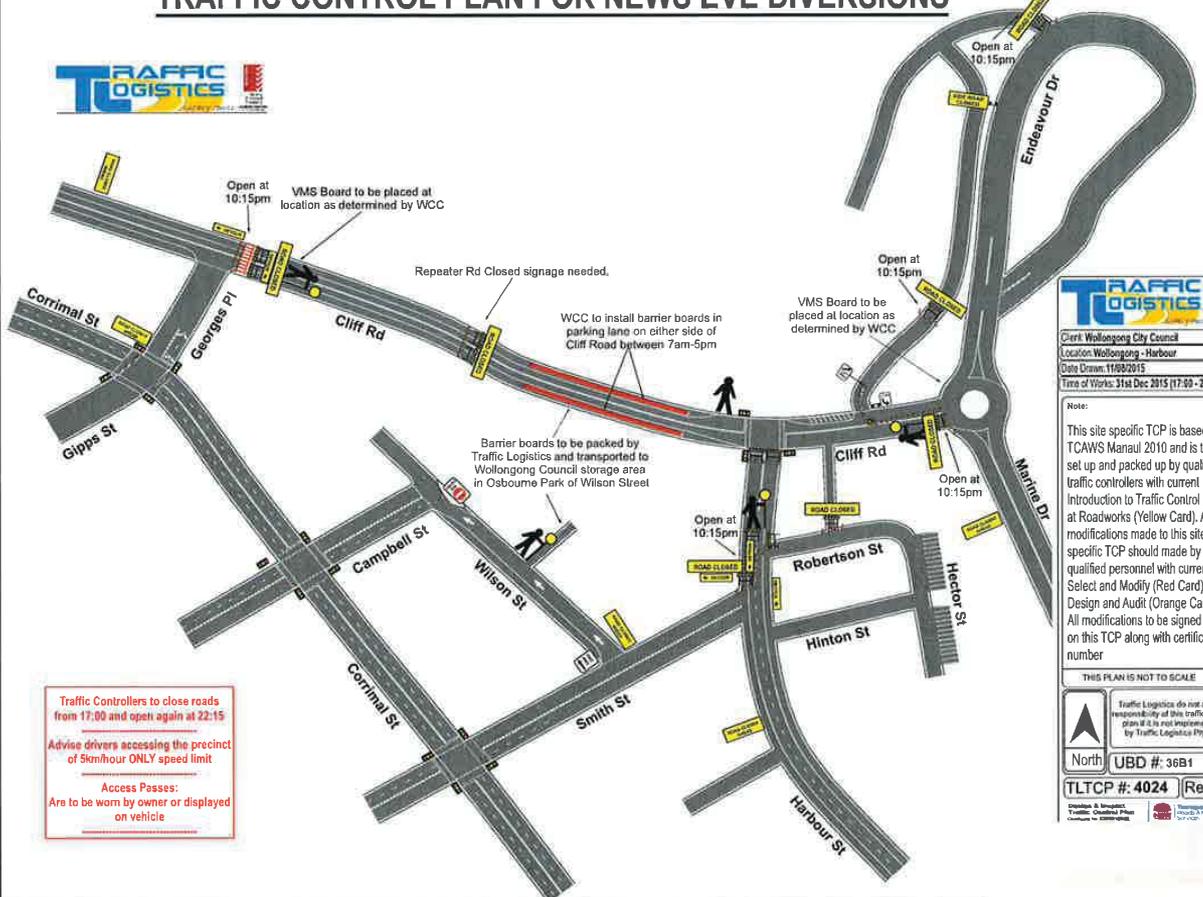
TCP 4

CLOSURE TIMES
07:25-08:30



TRAFFIC CONTROL PLAN FOR NEWS EVE DIVERSIONS

www.invarion.com



TRAFFIC LOGISTICS	
Client: Wollongong City Council	
Location: Wollongong - Harbour	
Date Drawn: 11/08/2015	
Time of Works: 31st Dec 2015 (17:00 - 22:15)	
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	
Traffic Logistics do not accept responsibility of this traffic control plan if it is not implemented by Traffic Logistics Pty Ltd	
North	UBD #: 36B1
TLTCP #: 4024	Rev: C

Traffic Controllers to close roads from 17:00 and open again at 22:15
 Advise drivers accessing the precinct of 5km/hour ONLY speed limit
 Access Passes:
 Are to be worn by owner or displayed on vehicle

TRAFFIC CONTROL PLAN FOR AUSTRALIA DAY CLOSURE - BOURKE ST & CLIFF RD



NOTE: CLOSURE TIME - *11:00AM-09:30PM*

Traffic Controllers to close roads at 5am and open again at 10:15pm

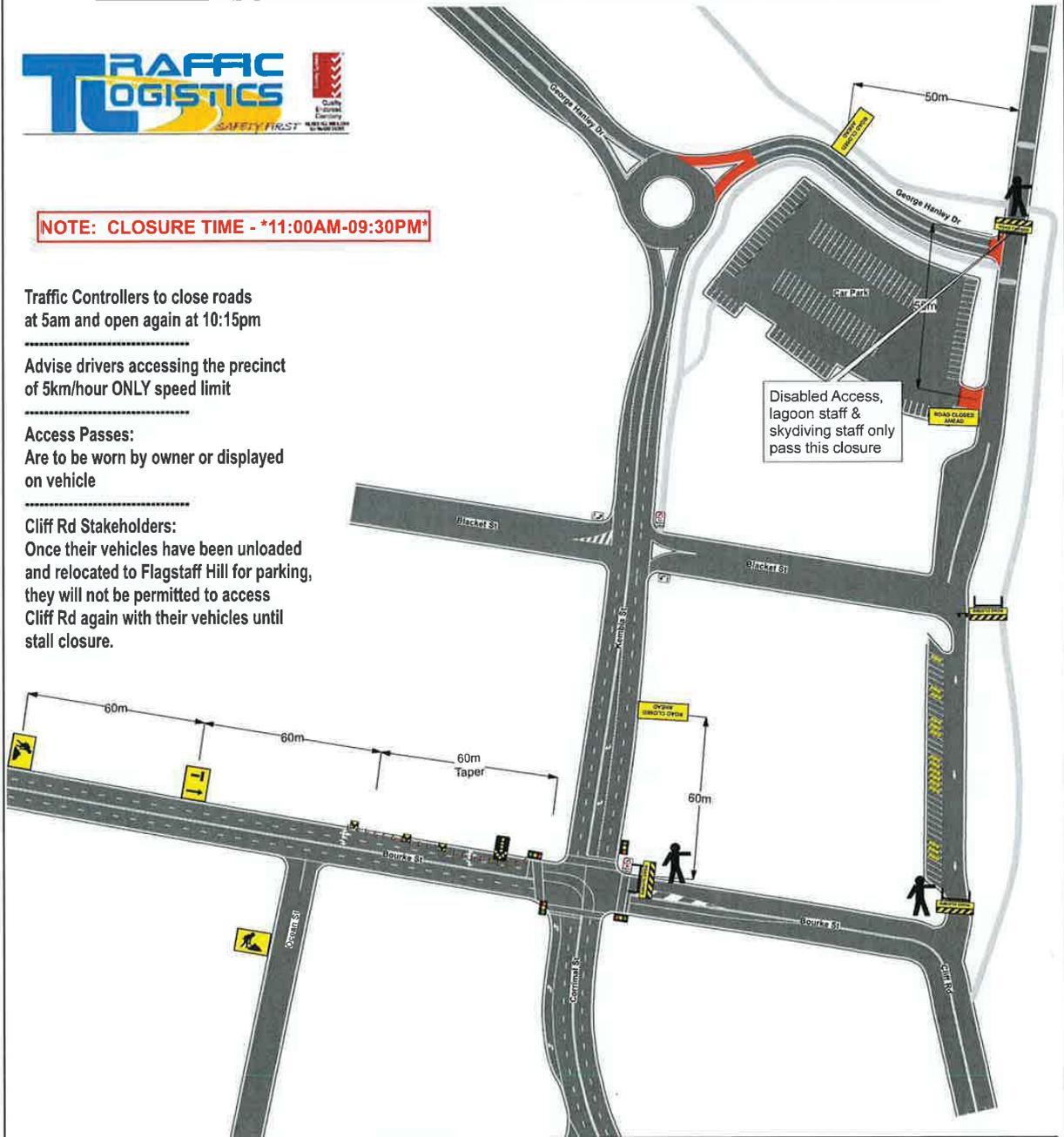
Advise drivers accessing the precinct of 5km/hour ONLY speed limit

Access Passes:

Are to be worn by owner or displayed on vehicle

Cliff Rd Stakeholders:

Once their vehicles have been unloaded and relocated to Flagstaff Hill for parking, they will not be permitted to access Cliff Rd again with their vehicles until stall closure.



Client: Wollongong City Council
Location: Bourke St, Wollongong
Date Drawn: 11/08/2015
Time of Works: Jan 26th 2016 (05:00-22:15)



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

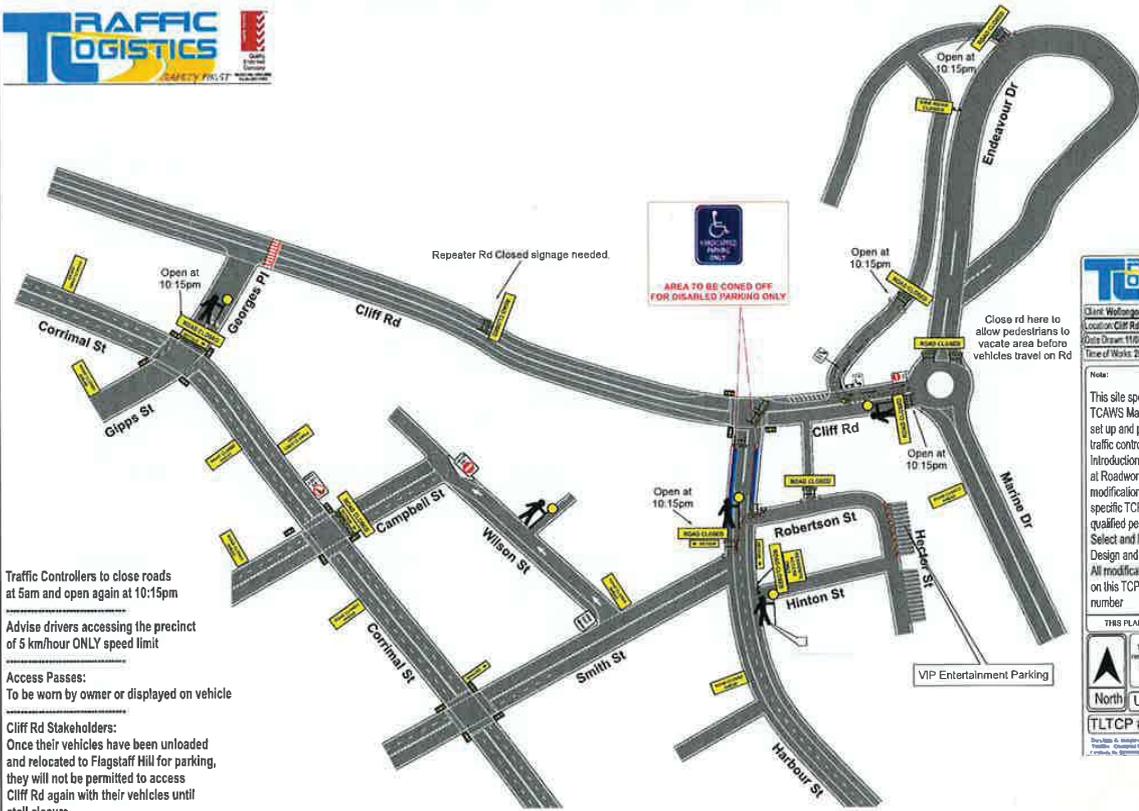


TLTCP #: 5300 Rev: B

Design & Inspect Traffic Control Plan
 Transport NSW
 Certificate No. 2009110002

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) all modifications to be signed off on this TCP along with certification number

TRAFFIC CONTROL PLAN FOR AUSTRALIA DAY CLOSURE - CLIFF RD



Traffic Controllers to close roads at 5am and open again at 10:15pm

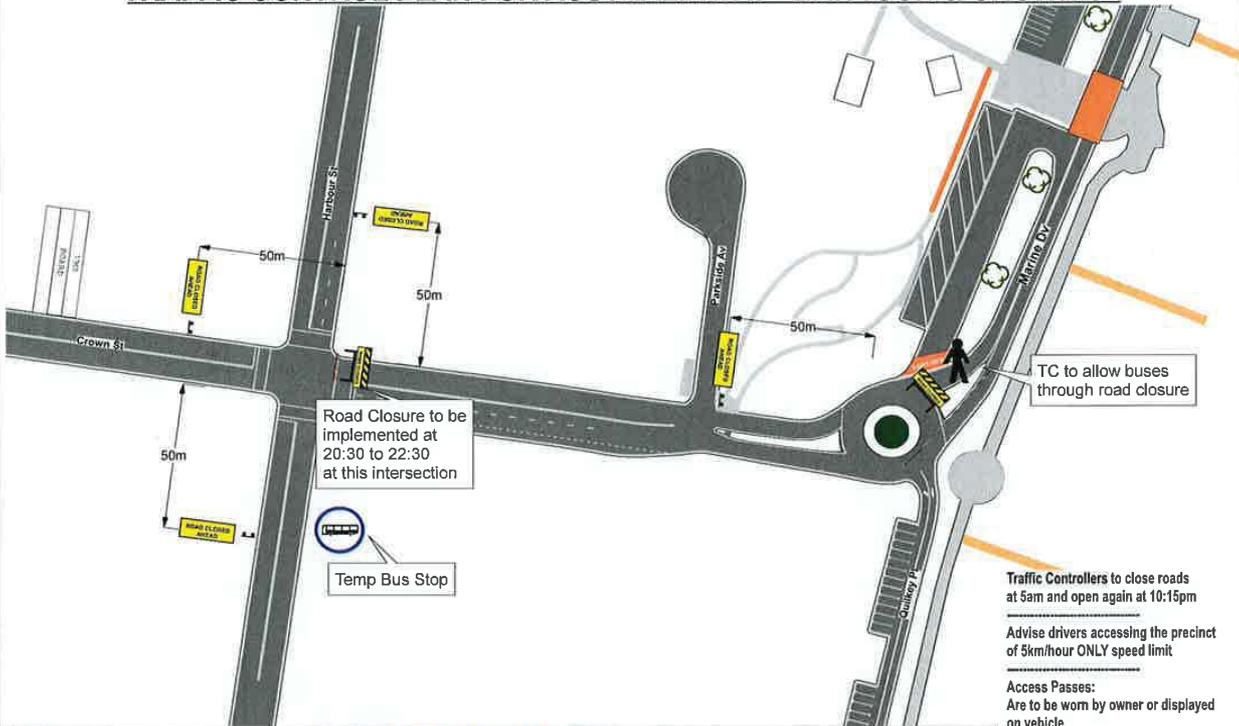
Advise drivers accessing the precinct of 5 km/hour ONLY speed limit

Access Passes:
To be worn by owner or displayed on vehicle

Cliff Rd Stakeholders:
Once their vehicles have been unloaded and relocated to Flagstaff Hill for parking, they will not be permitted to access Cliff Rd again with their vehicles until stall closure.

TRAFFIC LOGISTICS	
Client: Wollongong City Council	
Location: Cliff Rd - Wollongong	
Date Drawn: 11/02/15	
Time of Works: 26th Jan 2016 (04:00 - 22:15)	
Note:	
This site specific TCP is based on TCAMS 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
UBD #: 3681	
TLTCP #: 5298	Rev: B

TRAFFIC CONTROL PLAN FOR AUSTRALIA DAY - HARBOUR & CROWN ST



Client: WCC
 Location: Harbour and Crown St - Wollongong
 Date Drawn: 11/08/2015
 Time of Works: Jan 26th 2016 (05:00-22:15)

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 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: 5296 Rev:A

Designer & Issued: Traffic Control Plan
 Date: 11/08/2015

Transport NSW
 WCC

TRAFFIC CONTROL PLAN FOR AUSTRALIA DAY CLOSURES - SPRINHILL RD

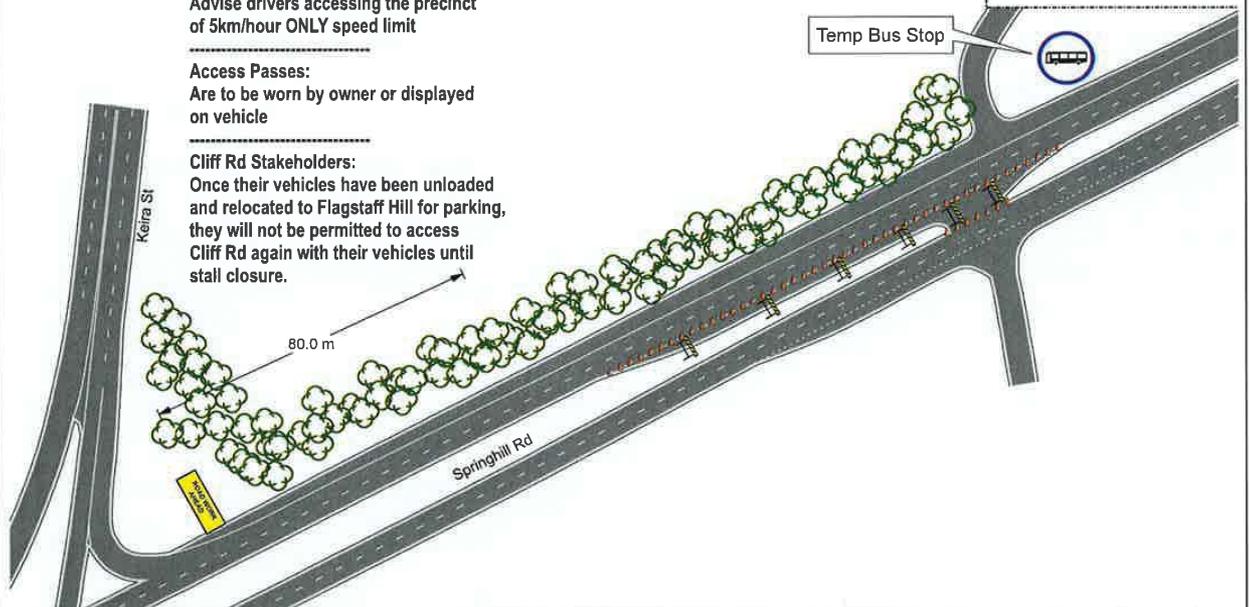
www.invarion.com

Traffic Controllers to close roads
at 5am and open again at 10:15pm

Advise drivers accessing the precinct
of 5km/hour ONLY speed limit

Access Passes:
Are to be worn by owner or displayed
on vehicle

Cliff Rd Stakeholders:
Once their vehicles have been unloaded
and relocated to Flagstaff Hill for parking,
they will not be permitted to access
Cliff Rd again with their vehicles until
stall closure.



Client: **WCC**
Location: **Springhill Rd - Wollongong**
Date Drawn: **11/08/2015**
Time of Works: **Jan 26th 2016 (05:00-22:15)**



Traffic Logistics do not accept
responsibility of this traffic control
plan if it is not implemented
by Traffic Logistics Pty Ltd



TLTCP: 5303

Rev: A

Design & Inspect
Traffic Control Plan



THIS PLAN IS NOT TO SCALE

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TRAFFIC CONTROL PLAN FOR MOWBRAY LN - WARRAWONG



Client: Salco
 Location: Cowper St - Warrawong
 Date Drawn: 25/09/2014
 Time of Works: 0700-1700



Traffic Logistics do not accept responsibility of this traffic control plan if it is not implemented by Traffic Logistics Pty Ltd



TLTCP: 5360 Rev: B



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

THIS PLAN IS NOT TO SCALE