



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held at 6:00 pm on

Monday 21 February 2022

Council Chambers, Level 10,
Council Administration Building, 41 Burelli Street, Wollongong (Note: Councillors will be able to attend and participate in this meeting via electronic means in accordance with legislation relating to the COVID-19 pandemic)

Order of Business

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

Members

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

QUORUM – 7 MEMBERS TO BE PRESENT

Statement of Ethical Obligations

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

OATH OR AFFIRMATION OF OFFICE

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

CONFLICTS OF INTEREST

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

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

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

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MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 31 January 2022

Present

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

Deputy Lord Mayor – Councillor Tania Brown

Councillor Ann Martin

Councillor Cameron Walters

Councillor Cath Blakey

Councillor David Brown

Councillor Dom Figliomeni

Councillor Elisha Aitken

Councillor Janice Kershaw

Councillor John Dorahy

Councillor Linda Campbell

Councillor Mithra Cox

Councillor Richard Martin

In Attendance

General Manager

Director Infrastructure + Works, Connectivity Assets + Liveable City

Director Planning + Environment, Future City + Neighbourhoods

Director Corporate Services, Connected + Engaged City (attended electronically)

Director Community Services, Creative + Innovative City

Chief Financial Officer (attended electronically)

Manager Governance + Customer Service

Manager Property + Recreation (attended electronically)

Manager City Strategy (attended electronically)

Manager Project Delivery (attended electronically)

Manager Community Cultural + Economic Development (attended electronically)

Manager Library + Community Services (attended electronically)

Governance and Risk Manager (Returning Officer)

Greg Doyle

Joanne Page

Linda Davis

Renee Campbell

Kerry Hunt

Brian Jenkins

Todd Hopwood

Lucielle Power

Chris Stewart

Glenn Whittaker

Sue Savage

Jenny Thompson

Michelle Martin

Note: Due to current government requirements around social distancing obligations due to the COVID-19 pandemic, participants in the meeting can participate via electronic means as permitted under legislation relating to the COVID-19 pandemic. Those who participated via electronic means are indicated in the attendance section of the Minutes.

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OATH OR AFFIRMATION OF OFFICE

In accordance with Section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are required to take an Oath or Affirmation of Office prior to the first item of business at the Council Meeting. At this time, each Councillor took their Oath or Affirmation of Office in turn, before the General Manager.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 1 NOVEMBER 2021

- 616 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that the Minutes of the Ordinary Meeting of Council held on Monday, 1 November 2021 (a copy having been circulated to Councillors) be taken as read and confirmed.

PETITION – USE OF PROPERTY – 2E VERA STREET, HELENSBURGH

Councillor Walters tabled a petition containing 19 signatures from Helensburgh residents regarding concerns over the use of the above property as an Air BnB residence and subsequent safety and security issues presented as a result of this. The petition calls for a condition to be placed on the property to ensure that it cannot be used as a short term (less than six months) rental property.

PETITION – PROPOSED FOOTPATH FOR WILSON STREET, WOLLONGONG

Councillor Blakey tabled a petition containing 60 signatures from residents regarding concerns of dangerous and unsafe walking access for pedestrians using Wilson Street, Wollongong. The petition notes that since Smith Street, Wollongong became a one-way street there has been an increase in traffic flow from lower Smith Street residents which impacts pedestrian safety. The petition calls for a footpath to be constructed to mitigate these risks.

CALL OF THE AGENDA

- 617 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that the staff recommendations for Items 3, 4 and 7 be adopted as a block.

ITEM A – LORD MAYORAL MINUTE – PASSING OF FRED MOORE

- 618 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Wollongong City Council –

- 1 Acknowledges the passing of Mr Fred Moore on 21 January 2022 and notes the significant contribution he made to the union movement and social justice in the Illawarra and beyond.
- 2 Extends condolences to the family of Mr Fred Moore on behalf of the community.

ITEM 2 - ELECTION OF DEPUTY LORD MAYOR

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

- 1 Council elect a Deputy Lord Mayor for an initial term for the period up to September 2023, which will result in an additional term from September 2023 to September 2024 to be filled by a new election.
- 2 The method of election for the Deputy Lord Mayor be by 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 2021.

The Lord Mayor handed proceedings over to the Returning Officer.

The Returning Officer for the election (Governance and Risk Manager) advised the meeting that nominations had been received from Councillors T Brown, Blakey and Dorahy.

As there was more than one nomination the Returning Officer conducted an election for the position of Deputy Lord Mayor.

Following the election, the Returning Officer declared that Councillor T Brown was elected as Deputy Lord Mayor for the period up to September 2023.

ITEM 3 - COUNTBACK PROVISIONS - CAUSAL VACANCIES WITHIN THE FIRST 18 MONTHS

617 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act) Wollongong City Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.

ITEM 4 - SUPERANNUATION FOR COUNCILLORS

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

- 1 From 1 July, 2022 Council make a superannuation contribution payment, in accordance with s254B of the Local Government Act 1993, to the nominated superannuation account of each councillor.
- 2 The amount of each superannuation contribution payment shall be equal to the amount Council would have been required to contribute under Commonwealth Superannuation legislation, as at the date of each payment, as if the councillor were an employee of Council.

ITEM 5 - COUNCILLOR ATTENDANCE AT LOCAL GOVERNMENT NSW SPECIAL CONFERENCE - SYDNEY 28 FEBRUARY TO 2 MARCH 2022

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

- 1 Council authorise the -
 - a attendance of the Lord Mayor, Deputy Lord Mayor and Councillors D Brown, A Martin, Blakey, Dorahy and Aitken as Council's seven voting delegates at the Local Government NSW Special Conference at the Hyatt Regency, Sydney between 28 February and 2 March 2022, and
 - b attendance of any other Councillor as a non-voting delegate, and
 - c payment of registration, 2 nights' accommodation, associated conference session, event and function attendance, and limited reasonable expenses for Councillors while attending the conference in accordance with the provisions of Councillor Expenses and Facilities policy, and as detailed in this report, and
 - d any motion or motions to the Local Government NSW Special Conference should be finalised and lodged by midday 3 February 2022. This will be done in liaison with Office of Lord Mayor and the responsible Councillor or Councillors.

Variation The variation moved by the Lord Mayor, Councillor Bradbery (the addition of point 1d) was accepted by the mover and seconder.

Nominations were received for Councillors D Brown, A Martin, Blakey, Dorahy and Aitken to attend the Local Government NSW Special Conference as voting delegates. As the number of nominations was within the required number as detailed in the Council report, the Lord Mayor declared that the nominated Councillors would attend the Local Government NSW Special Conference as voting delegates.

ITEM 6 - LAKE ILLAWARRA COASTAL MANAGEMENT PROGRAM IMPLEMENTATION GROUP

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

- 1 Council endorse the draft Terms of Reference for the Lake Illawarra CMP Implementation Group.
- 2 Council nominate Councillors Aitken, A Martin and Campbell to sit on the Lake Illawarra CMP Implementation Group.

Nominations were received for Councillors Aitken, A Martin, Campbell and Blakey to sit on the Lake Illawarra CMP Implementation Group. As there were more than three nominations received, an election by open voting was conducted to determine the three Councillor representatives to sit on the Implementation Group.

Councillor Aitken, having received the highest number of votes, was elected to the Implementation Group. The remaining nominees, having each received an equal number of votes, then had their names placed in a ballot box and the first name drawn was determined to be unsuccessful and eliminated from the vote. Councillor Blakey's name was drawn first, therefore eliminating her from the vote.

Following the election, the Lord Mayor declared that Councillors Aitken, A Martin and Campbell were elected as Councillor representatives for the Implementation Group.

ITEM 7 - STATEMENTS OF INVESTMENT - OCTOBER, NOVEMBER AND DECEMBER 2021

- 617 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that Council receive the Statements of Investment for October, November and December 2021.

ITEM 8 - NOVEMBER 2021 FINANCIALS

- 622 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that -

- 1 The financials be received and noted.
- 2 Council endorse the proposed changes to the Capital Budget for October and November 2021.

During debate on this item, Councillor Cox directed a question to staff seeking clarification on a bullet point in Attachment 2 to the Council report (page 38 of the Business Paper) which discusses the re-phasing of Housing Affordability funding for West Dapto Road. This was confirmed to be an error in the report and relates to Housing Acceleration funding for West Dapto Road.

THE MEETING CONCLUDED AT 6:51 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 21 February 2022.

Chairperson



MINUTES

EXTRAORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 8 November 2021

Present

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

Deputy Lord Mayor – Councillor Tania Brown

Councillor Ann Martin

Councillor Cameron Walters

Councillor Cath Blakey

Councillor David Brown

Councillor Dom Figliomeni

Councillor Janice Kershaw

Councillor Jenelle Rimmer

Councillor John Dorahy

Councillor Leigh Colacino

Councillor Mithra Cox

In Attendance

General Manager

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

Director Planning + Environment, Future City + Neighbourhoods

Director Corporate Services, Connected + Engaged City

Director Community Services, Creative + Innovative City

Manager Governance + Customer Service

Chief Financial Officer

Manager Property + Recreation

Manager Project Delivery (attended via electronic means)

Manager Open Space + Environmental Services (Acting) (attended via electronic means)

Manager Community Cultural + Economic Development (Acting) (attended via electronic means)

Greg Doyle

Joanne Page

Linda Davis

Renee Campbell

Kerry Hunt

Todd Hopwood

Brian Jenkins

Lucielle Power

Glenn Whittaker

Paul Tracey

Sofia Gibson

Note: Due to current government requirements around social distancing obligations due to the COVID-19 pandemic, participants in the meeting can participate via electronic means as permitted under legislation relating to the COVID-19 pandemic. Those who participated via electronic means are indicated in the attendance section of the Minutes.

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DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 1, Councillor Colacino departed and returned to the meeting, the time being from 6:38 pm to 6:39 pm.

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

ITEM 1 - ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021

- 615 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that the audited Financial Statements for the year ended 30 June 2021, together with the Auditor's report, be presented to the public.

THE MEETING CONCLUDED AT 6:58 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 31 January 2022.

Chairperson

ITEM A LORD MAYORAL MINUTE - COUNCIL ENGAGEMENT WITH YOUNG PEOPLE

Wollongong City Council provides a range of services and infrastructure, such as skate parks and sports facilities, which are utilised by young people. Council's 2021-22 budget has an allocation of \$1.324 million for Youth Services which includes funding for the Youth Centre, located in the middle of the City and a range of other programs. We need greater assurance that what is being delivered is appropriate and that young people have opportunities for legitimate input into Council decision making.

It is time Council engaged more intentionally with people aged between 12 and 18 years old. We need to consider the concerns of these residents and understand the type of City and future they envisage, especially taking into account the pandemic, climate change and rapid changes in technology.

RECOMMENDATION

- 1 That Wollongong City Council explore options, including the establishment of a youth forum or reference committee, to target engagement with young people and ensure that Council's priority setting and expenditure is informed by residents aged between 12-18 years old.
- 2 A report or briefing on engagement options be brought back to Council by the middle of 2022.

ATTACHMENTS

There are no attachments for this report.

ITEM 1

PUBLIC EXHIBITION - DRAFT WOLLONGONG DEVELOPMENT CONTROL PLAN 2009
CHAPTER C1: ADVERTISING SIGNAGE AND STRUCTURES

On 15 December 2009, Council endorsed the Wollongong Development Control Plan (DCP) 2009. The DCP came into force on 3 March 2010, following the commencement of the Wollongong Local Environmental Plan 2009.

The DCP includes Chapter C1: Advertising Signage and Structures. Recent development activity has prompted the proposed inclusion of a section requiring certain advertising signs to pay a 'public benefit' contribution to Council. This report recommends Council endorse the revised draft DCP chapter for public exhibition.

RECOMMENDATION

- 1 The Draft Wollongong Development Control Plan 2009 Chapter C1 Advertising and Signage be exhibited for a minimum period of 28 days.
- 2 Following the exhibition period, a report outlining the submissions received from the public exhibition process with recommendations regarding progression of the draft DCP amendments be prepared for Council's consideration.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Draft Wollongong DCP 2009 Chapter C1: Advertising Signage and Structures

BACKGROUND

The Wollongong Development Control Plan 2009 (DCP) came into force on 3 March 2010 and includes Chapter C1: Advertising Signage and Structures.

This Chapter of the DCP outlines Council's requirements for advertising signage and structures and should be read in conjunction with the provisions of the State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64), and the Transport Corridor Outdoor Advertising and Signage Guidelines.

As a consequence of recent Planning Reforms, SEPP 64 will be incorporated into SEPP Industry and Employment from 1 March 2022. The references to the SEPP will be updated following the exhibition period.

Recently, a Development Application was lodged with Council to replace an existing advertising structure with a digital screen. Under SEPP 64, a public benefit test is required for a proposal, such as the above, if -

- The display of the advertisement is by or on behalf of Transport for New South Wales (TfNSW), Sydney Trains and NSW Trains.
- The advertisement is to be displayed along a tollway.
- The advertisement is to be displayed on a bridge.
- The advertisement requires TfNSW concurrence under SEPP 64.

The proponent must outline in the Statement of Environmental Effects accompanying the Development Application what arrangements they will make to provide an appropriate public benefit. This must be considered, negotiated and agreed upon between Council and the applicant.

Any money collected to fund public benefit works is undertaken in partnership with TfNSW. These funds are to be placed in a restricted account and will only be expended on projects that meet the requirements outlined in the *Transport Corridor Outdoor Advertising and Signage Guidelines* set by the Department of Planning and Environment. Both Council and TfNSW will be required to identify and prioritise projects in the LGA that require investment in transport safety, public transport or amenity improvements that are in addition to the core activities and services provided by +Council. This can be facilitated as part of ordinary council process via the Traffic Committee with TfNSW concurrence.

The current DCP chapter does not outline a requirement, procedure or methodology for the collection and allocation of funds. An endorsed and publicly available methodology is considered appropriate.

Council does not receive a high volume of these types of applications, with only one application having been received in recent years. The proposed inclusion and setting of monetary benefit amounts seek to improve clarity and provide a policy benchmark for any future applications should they be received.

PROPOSAL

It is proposed to include an additional clause in the DCP chapter to provide a procedure and methodology for the collection of funds from certain advertisements. The new draft clause outlines a formula developed by examining similar agreements at other councils, with consideration given to the size of the advertising sign. This is included in Section 4 on Page 12 of the revised Chapter. It consists of -

- A fixed payment.
- A variable component dependant on the size of the sign.
- Guidance relating to screen advertising time.
- Indexation and payment frequency information.
- Flexibility for 'in kind' contributions (as per the SEPP 64 guidelines).

Benchmarking against similar proposals at other NSW Councils was undertaken and a formula was prepared which includes a fixed rate of \$10,000 as well as a variable amount based on the size of the advertising sign. In addition to this where the type of advertising sign allows for it, 5% of the screen time should be allocated to promotion of community programs, events, public safety programs or other appropriate public purposes to be negotiated with Council.

Any funds collected must be spent in conjunction with TfNSW on projects and the guidelines state that improvements to traffic safety for drivers, pedestrians and cyclists are a priority for expenditure of advertising revenue.

Council has the option to -

- 1 Not consider public benefit levies as outlined in SEPP 64, or simply accept what is offered when proposed by an applicant.
- 2 Negotiate the amount of the public benefit on a case-by-case basis without a reference guide.
- 3 Set a rate and include in the DCP.

Option 3 is recommended. A fixed rate with a variable component dependent on the size of the advertising sign is proposed to be included in the Draft Chapter C1 - Advertising Signage and Structures (**Attachment 1**).

Other amendments made to the DCP chapter include -

- Notes relating to the proposed zone changes which affect references to Business and Industrial Zones in the chapter, and the proposes consolidation of SEPP 64 into the SEPP Industry and Employment.
- Inclusion of additional example photographs/images of advertising signs.

- Updated reference to 'NSW Road and Traffic Authority' to 'Transport for New South Wales'.
- Minor typographical and formatting corrections.

CONSULTATION AND COMMUNICATION

The proposed amendments to Chapter C1 have been discussed at the Development Contributions Coordination Group.

If Council endorses the draft amendment to the DCP for exhibition, the DCP will be exhibited for a minimum period of 28 days, and will include -

- Notification in the local newspaper of the exhibition dates.
- Exhibition website with the draft material and opportunity for comment.
- Physical copies of the draft to be made available for viewing at Council libraries and Customer Service in the Wollongong City Council Administration Building.

Following the exhibition period, submissions will be reviewed and reported to Council with further recommendations regarding the progression of the DCP Chapter.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal "We values and protect our environment". It specifically delivers on the following -

Community Strategic Plan	Delivery Program 2018-2022	Operational Plan 2021-22
Strategy	4 Year Action	Operational Plan Actions
1.3.1 Manage land uses to strengthen urban areas and improve connectivity to train stations and key transport routes.	1.3.1.1 Impacts from development on the environment are assessed monitored and mitigated.	Access new development and planning proposals for environmental impacts

RISK MANAGEMENT

The addition to the DCP chapter will provide more clarity to Council, industry and the community regarding public benefit that would be acceptable to Council when certain advertising signage is proposed. The exhibition process will allow for the community to provide further input.

FINANCIAL IMPLICATIONS

The amended DCP Chapter provides clarity to Council. Any monetary funds collected will need to be spent in accordance with the SEPP and Guidelines, that is with concurrence of TfNSW. This potentially provides for an additional funding source for items in Council's Capital Works Plan.

CONCLUSION

A section has been included in the draft Wollongong DCP 2009 Chapter C1: Advertising Signage and Structures relating to monetary benefits paid in line with SEPP 64 and the associated Guidelines. It is recommended that the revised draft DCP Chapter be exhibited for a minimum period of 28 days to allow community input.

Following the exhibition period, submissions will be reviewed and reported to Council with further recommendations regarding the progression of the guiding document.

Part C – Specific Landuse Controls
Chapter C1: Advertising Signage and Structures



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Part C – Specific Landuse Controls
Chapter C1: Advertising Signage and Structures

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Document Control			
Document ID: Wollongong DCP 2009 – C1 Advertising Signage and Structures			
Rev No	Adoption Date	In force date	Revision Details
1	15/12/2009	3/3/2010	Adopted
2	17/2/2022		Draft for exhibition

Part C – Specific Landuse Controls
Chapter C1: Advertising Signage and Structures

1 INTRODUCTION

1. This chapter of the DCP outlines Council's requirements for advertising signage and structures.
2. This chapter of the DCP should be read in conjunction with the provisions of State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64), any relevant State Code and the relevant LEP applying to the site.
3. This chapter of the DCP supplements the provisions of SEPP 64 and hence, all proposed advertising signs and structures must be designed in accordance with the requirements of SEPP 64 in addition to the controls outlined in this chapter.

NOTE: The NSW Department of Planning and Environment have recently proposed changes to the naming convention for zones, in particular the business and industrial zones are proposed to be renamed to employment zones. Where applicable and referenced through this chapter, all changes to references to zones are a direct translation from the previous zone name to the new zone name as per the table below:

Existing Zone	Proposed Zone
B1 Neighbourhood Centre	E1 – Local Centre
B2 Local Centre	E1 – Local Centre
B3 Commercial Core	E2 – Commercial Centre
B4 Mixed Use	MU1 – Mixed Use
B6 Enterprise Corridor	E3 – Productivity Support
IN1 General Industrial	E4 – General Industrial
IN2 Light Industrial	E4 – General Industrial
IN3 Heavy Industrial	E5 – Heavy Industrial

From 1 March 2022 the State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) forms part of a new consolidated SEPP, that is, the State Environmental Planning Policy (Industry and Employment) 2021. This is part of the wider consolidation of SEPPs released by the Minister for Planning and Public Spaces

2 OBJECTIVES

1. To ensure all advertising signage achieves a high level of design quality in terms of its relationship to the architectural design of buildings and streetscape character of a particular locality.
2. To encourage advertising signs which complement the architectural style of the building(s).
3. To promote advertising signage which complement the use of the building(s).

Part C – Specific Landuse Controls


Chapter C1: Advertising Signage and Structures

4. To encourage suitably located signs that provide a legible and clear message through the use of high quality materials and design.
5. To ensure that advertising signs and structures do not cause any adverse traffic hazard to motorists, cyclists and pedestrians.
6. To reduce the proliferation of advertising signs and structures through the rationalisation of advertising signs by the use of common directory pylon signs for multi-occupancy developments and by limiting the number of signs that may be erected on any one building or site.
7. To ensure that advertising signs do not affect the amenity of any surrounding residential locality from light spillage impacts associated with illuminated signs.
8. To prohibit third party advertising.
9. To ensure that the use of corporate logos, colour and illumination schemes in advertising signs is compatible with the architectural style of the host building and does not cause any significant adverse visual impact upon the surrounding streetscape character of the locality.




3 TYPES OF ADVERTISING SIGNS AND STRUCTURES

1. The main types of advertising signs and structures are listed and described in Table 1 below.

Table 1: Types of Advertising Signs and Structures

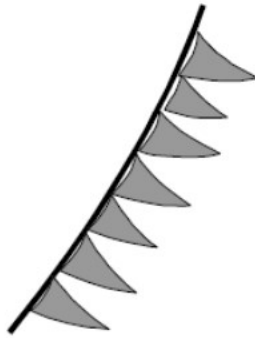


Type of Advertising Sign or Structure and Description of Advertising Sign or Structure	Example
(a) Advertising Panel Any advertisement structure (other than those signs described elsewhere in this table) which is non-illuminated. This includes hoarding or bulletin board signs.	
(b) A-Frame Sign (Double or Single Sided) A freestanding, portable advertisement consistent of either two advertising boards supporting each other in an "A" configuration or one advertising board supported by one or more posts in a "A" configuration.	

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Type of Advertising Sign or Structure and Description of Advertising Sign or Structure	Example
<p>(c) Awning Sign (Above awning)</p> <p>An advertisement which is located above an awning or veranda.</p>	
<p>(d) Awning Sign (Below awning)</p> <p>A sign attached to the underside of an awning.</p>	
<p>(e) Banner Sign</p> <p>A soft canvas or plastic material sign bearing names, numbers and / or pictures and is visible from a public place. Banners are usually fixed to a solid frame or posts. This includes blade signs.</p>	
<p>(f) Billboard Sign</p> <p>An advertisement supported by one or more columns or pylon support structures which are independent of any building or other structure. A billboard sign may include any framework, signboard, noticeboard, advertising panel or the like and any painted display of advertising matter on any wall, fence or roof.</p>	
<p>(g) Building Wrap Advertisement</p> <p>An advertisement used in association with the covering or wrapping of:</p>	

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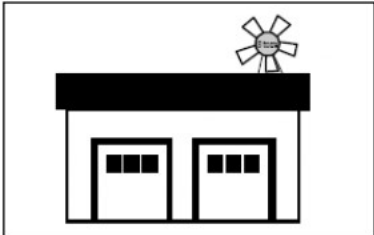
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Type of Advertising Sign or Structure and Description of Advertising Sign or Structure	Example
(i) A building or parcel of land, or (ii) A building that is under construction, renovation, restoration or demolition, but does not include a wall advertisement.	
(h) Bunting A string of lightweight coloured material or plastic secured at both ends but allowed to move freely.	 (Source: Campbelltown Development Control Plan No. 99)
(i) Business Identification Sign A sign which contains a reference only to the identification of a place or premises and the occupation or activities that are carried out at that place or premises.	
(j) Decorative Banners Advertising on decorative banners erected on poles or pylons which are typically erected within a road reserve.	




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Type of Advertising Sign or Structure and Description of Advertising Sign or Structure	Example
<p>(k) Drop Awning Sign</p> <p>A sign displayed on a roll down blind, retractable sun or weather protection awning or the like which is attached to the underside or outer edge of the awning and is parallel to the road carriageway kerb.</p>	
<p>(l) Fascia Sign</p> <p>A sign fixed or applied to the fascia of a building or awning.</p>	
<p>(m) Fin Sign</p> <p>Sign erected on or above the canopy of a building.</p>	
<p>(n) Flagpole Sign</p> <p>A pole on which a flag or banner is raised for advertising purposes.</p>	

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Type of Advertising Sign or Structure and Description of Advertising Sign or Structure	Example
<p>(o) Flashing Sign</p> <p>An advertisement illuminated at frequent intervals by either an internal or external light and whether or not included in any other type of sign.</p>	
<p>(p) Floodlit Sign</p> <p>A sign illuminated at night-time by floodlighting.</p>	
<p>(q) Flush Wall Sign</p> <p>An advertisement attached to the side or front wall of a building and not projecting more than 100mm from the wall surface.</p>	
<p>(r) Inflatable Sign / Structure Sign</p> <p>An advertisement located on an inflatable structure e.g. balloon or blimp, which is of temporary nature and used for the purpose of displaying information about a product, local event and /or attractions.</p>	
<p>(s) Moving Sign</p> <p>An advertisement which is capable of movement by any source of power (whether or not included in any other class of advertising structure).</p>	


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Type of Advertising Sign or Structure and Description of Advertising Sign or Structure	Example
	(Source: Campbelltown Development Control Plan No. 99)
<p>(t) Multiple Identification Sign</p> <p>An identification sign containing a list of businesses occupying premises within a building or complex of buildings.</p>	
<p>(u) Painted Wall Sign</p> <p>Painted onto a wall of a building.</p>	
<p>(v) Pole or Pylon Sign</p> <p>A single advertising structure which is independent of a building or any other structure.</p>	

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Type of Advertising Sign or Structure and Description of Advertising Sign or Structure	Example
<p>(w) Projecting Wall Sign</p> <p>An advertisement attached to a building at one end and projecting horizontally away from the building façade but not protruding beyond the roadside edge of the awning or above the roof line of the building.</p>	
<p>(x) Real Estate Sign</p> <p>An advertisement in respect of a place, land or premises to which it is affixed which contains only a notice that the place or premises is for sale or letting or is subject to an auction together with particulars of the sale or letting.</p>	
<p>(y) Roof or Sky Sign</p> <p>An advertisement erected on or above the parapet of a building that is wholly or partly supported by the building.</p>	
<p>(z) Special Promotional Advertisement</p> <p>An advertisement of a temporary nature for an activity or event but does not include advertising of a commercial nature, except for names of an event sponsor(s). This may include temporary cultural, recreational, sporting, educational or temporary business event.</p>	
<p>(aa) Temporary Sign</p> <p>An advertisement of a temporary nature which:</p>	

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Type of Advertising Sign or Structure and Description of Advertising Sign or Structure	Example
<p>a) Announces any local event of a cultural, religious, educational, political, social or recreational character or relates to any temporary matter in connection with such an event, and</p> <p>b) Does not include advertising of a commercial nature (except for the name of an event sponsor), and</p> <p>c) Is displayed for a period of not more than 28 days.</p>	
<p>(bb) Top Hamper Sign</p> <p>An advertisement attached to the transom of a doorway or display window of a building.</p>	
<p>(cc) Window Sign</p> <p>Signs painted on or affixed to the window of a building or premise.</p>	

4 STATE ENVIRONMENTAL PLANNING POLICY NO. 64 – ADVERTISING AND SIGNAGE

- Under State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64), Council cannot grant consent to an advertising sign or structure unless it is consistent with the aims of SEPP 64 and satisfies the assessment criteria listed in Schedule 1 of SEPP 64 and any other requirements of the policy.
- The aims of SEPP 64 (clause 3(1)(a)) are, as follows:

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- (a) To ensure that signage (including advertising):
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (b) To regulate signage (but not content) under Part 4 of the Act, and
 - (c) To provide time-limited consents for the display of certain advertisements, and
 - (d) To regulate the display of advertisements in transport corridors, and
 - (e) To ensure that public benefits may be derived from advertising in and adjacent to transport corridors.
- 3. The assessment criteria listed in Schedule 1 of SEPP 64 are reproduced, as follows:
 - (a) *The character of the area.*
 - (i) Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
 - (ii) Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?
 - (b) *Special areas.*
 - (i) Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?
 - (c) *Views and vistas.*
 - (i) Does the proposal obscure or compromise important views?
 - (ii) Does the proposal dominate the skyline and reduce the quality of vistas?
 - (iii) Does the proposal respect the viewing rights of other advertisers?
 - (d) *Streetscape, setting or landscape.*
 - (i) Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
 - (ii) Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
 - (iii) Does the proposal reduce clutter by rationalising and simplifying existing advertising?
 - (iv) Does the proposal screen unsightliness?
 - (v) Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

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- (vi) Does the proposal require ongoing vegetation management?
- (e) *Site and building.*
 - (i) Is the proposal compatible with the scale, proportion and other characteristics of the site or building or both on which the proposed signage is to be located?
 - (ii) Does the proposal respect important features of the site or building, or both?
 - (iii) Does the proposal show innovation and imagination in its relationship to the site or building, or both?
- (f) *Associated devices and logos with advertisements and advertising structures.*
 - (i) Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?
- (g) *Illumination.*
 - (i) Would illumination result in unacceptable glare?
 - (ii) Would illumination affect safety for pedestrians, vehicles or aircraft?
 - (iii) Would illumination detract from the amenity of any residence or other form of accommodation?
 - (iv) Can the intensity of the illumination be adjusted, if necessary?
 - (v) Is the illumination subject to a curfew?
- (h) *Safety.*
 - (i) Would the proposal reduce the safety for any public road?
 - (ii) Would the proposal reduce the safety for pedestrians or bicyclists?
 - (iii) Would the proposal reduce the safety for pedestrians, particularly children by obscuring sightlines from public areas?

4. Where applicable, to satisfy the provision of Clause 13 and 18 of SEPP 64 where the public benefit test must be applied, the applicant must propose a public benefit offer to Wollongong City Council, which may consist of:

(a) Annual monetary contribution

(i) Calculated using the following formula:

= \$10,000 per annum + (\$100 per annum x size of the sign in square metres, rounded up to the nearest square metre)

(ii) the amount will be indexed quarterly with the Consumer Price Index until the date of payment

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(iii) The annual amount is payable over the life over the consent (ie 15 years) and must be paid in three intervals (for example, a payment every five years), with the first payment payable prior to the issue of a construction certificate.

(b) Screen time

(i) If applicable, and with agreement, an amount of screen time for Council and community advertisements – 5% of screen time during both peak and off peak periods.

(ii) where this is not possible, such as for fixed advertising signs, an additional monetary payment can be negotiated

(c) In-kind contribution

(i) May be negotiated with Council in line with the requirements of SEPP 64 and any associated guidelines

5 LOCAL ENVIRONMENTAL PLAN & BUSINESS IDENTIFICATION SIGNAGE

1. The permissibility for the display of advertisements and the erection of advertising structures is subject to the provisions of the relevant LEP applying to the site.
2. The relevant LEP also contains Exempt and Complying Development provisions. Exempt development is a form of self-assessed development which can take place without the need for Council approval.
3. Business identification signage is classified as Exempt Development under the relevant LEP applying to the site where such signage complies with the requirements for the relevant type of signage. Where a proposed business identification sign does not comply with the specific Exempt Development requirements for the particular type of sign, then the proposed sign will be subject to the lodgement of a formal Development Application with Council.
4. Types of business identification signs are highlighted on Figure 1.

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Figure 1: Business Identification Signs

6 LODGEMENT OF A DEVELOPMENT APPLICATION

1. If an advertising sign or structure is permissible with consent under the relevant LEP applying to the site and is not an exempt development, then formal development consent is required, prior to the display of any such advertisement. This will require the lodgement of a Development Application with appropriate supporting documentation.
2. The following is to be submitted to Council in conjunction with a Development Application for advertising signage:
 - (a) A site plan (ie at a 1:100 or 1:200 scale) showing the exact location of the proposed advertising sign or structure.
 - (b) A fully dimensioned sketch of the proposed advertising sign or structure (ie at a 1:50 scale or 1:100 scale) which shows the full dimensions of the sign:
 - (i) Total area of the proposed sign.
 - (ii) Maximum height of the sign.
 - (iii) Height of the lowest part of the sign above natural ground level.
 - (iv) Full information regarding the content on the proposed sign, including the proposed size and colour of the lettering / wording in the advertisement and the colours on the background of the sign.
 - (v) Design details on how the advertising sign or structure will be supported.
 - (c) A photomontage of any proposed wall sign showing the full dimensions and colour finishes of the proposed lettering and background of the sign in relation to the building elevation.

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- (d) A photomontage of a pole or pylon sign will be required for lands within a residential, rural or business zone. The photomontage must also include RL levels of the top height of the sign in relation to any adjoining buildings, structures or tree canopy.
- (e) Structural details which prove the structural adequacy of any post footings or supports to the sign or structure.
- (f) A Statement of Environmental Effects which addresses a range of issues including (but not necessarily limited to) the following matters / issues:
 - (i) The full nature of the proposed advertising sign or structure including full dimensions of the proposed sign, details of the proposed wording of the sign, proposed colours etc;
 - (ii) Comprehensive assessment as to the proposal's compliance with State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) and the key assessment criteria contained in Schedule 1 of SEPP 64;
 - (iii) Comprehensive assessment as to the proposal's compliance with the relevant LEP applying to the site and any other relevant environmental planning instruments and / or State Code; and
 - (iv) Assessment as to the proposal's compliance with this DCP and any relevant Australian Standard pertaining to the structural adequacy of the proposed advertising sign or structure.

7 PROHIBITED ADVERTISING SIGNS AND STRUCTURES

1. The following types of signs are prohibited within the City of Wollongong LGA:
 - (a) Advertising signs over 45m².
 - (b) A-Frame signs (excluding A-Frame signs approved by Council in conjunction with premises contained within Wollongong Mall).
 - (c) Roof top or sky advertising signs.
 - (d) Above awning signs.
 - (e) Building wrap advertising signs.
 - (f) Flashing, moving or variable message board signs (other than those installed and operated by an authorised Road Authority (ie **NSW Roads & Traffic Authority Transport for NSW** or Council) for traffic management and / or road safety purposes.
 - (g) Permanently anchored balloons, blimps or any airborne signs.
 - (h) Inflatable signs or structures (ie where displayed for greater than 14 days).
 - (i) Hoarding signs (other than work safety signage), painted bulletins etc attached to the exterior of buildings, power poles, fences etc.

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- (j) Advertising signs that project from a wall or are suspended from an awning at a height lower than 2.6 metres at any point above a footpath (except in the case of an under awning bracket sign or a drop awning sign).
- (k) Advertising signs or structures that do not comply with all applicable requirements of the Building Code of Australia (BCA) and relevant Australian Standards.
- (l) Advertising signs or structures are prohibited on land that, under any environmental planning instrument, is within any of the following zones or descriptions:
 - (i) Environmentally sensitive area;
 - (ii) Heritage conservation area (excluding railway stations);
 - (iii) Natural or other conservation area;
 - (iv) Open Space (excluding any advertisement at a public sporting facility that provides information about the sponsors of the teams or organisations using the sporting facility or about products of those sponsors);
 - (v) Waterway;
 - (vi) Residential (but not including a mixed residential and business zone, or similar zones);
 - (vii) Scenic protection area;
 - (viii) National park; or
 - (ix) Nature reserve.
- (m) Third party advertising (ie general advertising not directly related to the approved use of the building or site).
- (n) Flagpole signs (excluding those signs proposed to be erected by a public authority, Council or signs primarily designed to provide information on health, community, cultural or social issues or events).

8 GENERAL REQUIREMENTS FOR ADVERTISING SIGNS AND STRUCTURES

8.1 Advertising Signage must relate directly to lawful use of the land

1. All advertising signs and structures must relate directly to the lawful approved or exempt land use being conducted on the land to which the advertising sign or structure is to be displayed. Where development consent is required for the use of the land, any prior Development Application for advertising signage will be requested to be formally withdrawn by the applicant or otherwise the application is likely to be refused on this basis.
2. No third party or general advertising will be permitted.

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8.2 Design and Location

1. Any advertising sign or structure should reflect the architectural style of the building.
2. Signs should not obscure decorative forms or moulding and should observe a reasonable separation distance from the lines of windows, doors, parapets, piers and the like.

8.3 Proportion

1. Signs should be of a size and proportion which complement the scale of the existing building as well as surrounding buildings and signs. Signs should not significantly affect the presentation of the existing façade of the building.
2. The scale of lettering should also be proportioned to the area of the advertising panel to which it will be applied.

8.4 Colour

1. The colour used in the design of an advertising sign or structure should complement the colour finish of the building to which it will relate.
2. Corporate colours should be limited to the advertising sign or structure and should not be applied to the painted surface of the building.

8.5 Illumination

1. The illumination of advertising signs and structures by low set floodlighting is preferred, rather than the use of neon or boxed fluorescent lighting on buildings.

8.6 Rationalisation of Advertising Signage

1. The number of signs per building or site should take into account the following matters:
 - (a) The number of existing signs on the subject premises.
 - (b) The proportion of the solid (wall surface area) to void (window and door openings) available for signage.
 - (c) The length of frontage to the premises; and
 - (d) The extent of the façade detail and projecting features of the building which should remain unobscured by signage.
2. The rationalisation of advertising signs will be generally required where there is existing signage through the use of common directory pylon signs for multi-occupancy developments and by limiting the number of signs that may be erected on any one building or site.
3. Any new proposed advertising sign or structure should be off-set by the associated deletion of some other existing sign(s).

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8.7 Advertising Signs and Structures maintained in good repair and in a clean and tidy condition

1. All advertising signs and structures are to be maintained in a good working order and in a clean and tidy condition at all times.
2. Any advertising sign or structure which becomes dilapidated or unsightly will be required to be repaired, upgraded or removed in a reasonable period, except in emergency situations in which there is a risk to either property or life in which case Council may require the immediate removal of the sign or structure.

8.8 Advertising Signs must be displayed in English Language

1. All advertising signs and structures are to be displayed in the English language. A direct or near direct translation into another language using smaller letters or characters may be provided below the English version of the advertisement.

8.9 Advertising Signs or Structures – Public Safety

1. An advertising sign or structure must not endanger public safety or cause nuisance or a hazard by reason of its location, construction or design by either:
 - (a) Emitting excessive glare or reflection from internal or external illumination or surface materials;
 - (b) Obscuring the view of motorists or pedestrians;
 - (c) Screening potentially hazardous road features;
 - (d) Signage containing designs or messages which may either confuse or distract motorists.

9 SPECIFIC CONTROLS FOR ADVERTISING SIGNS AND STRUCTURES

9.1 Fascia Signs

1. A maximum of one (1) fascia sign per building awning.
2. Fascia signs must form part of the awning and must not project above or below the awning fascia.
3. Fascia signs must not be illuminated.
4. Fascia signs must be restricted to the name and general nature of the approved business carried out in the building or premises to which the fascia awning is attached. Product identification on awning fascias is not permitted.
5. Where a building comprises a number of separate businesses, the fascia sign should identify the name of the building only.

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9.2 Flush Wall Signs

1. A maximum of one (1) flush wall sign per building elevation will be permitted.
2. Any wall advertisement must be integrated with the design of the building on which it is to be displayed and for a building having:
 - (a) An above ground elevation of 200 square metres or more – the advertisement must not exceed 10% of the above ground elevation;
 - (b) An above ground elevation of more than 100 square metres but less than 200 square metres – the advertisement must not exceed 20 square metres; and
 - (c) An above ground elevation of 100 square metres or less – the advertisement does not exceed 20% of the above ground elevation.
3. Flush wall signs must be attached flush to the wall and must not protrude more than 300mm from the wall.
4. Flush wall signs must not protrude above the parapet or eaves.
5. Flush wall signs must not cover mechanical ventilation vents.
6. The advertisement must not extend over any window or other external opening.
7. The advertisement must not obscure significant architectural elements of the building.
8. Any wall advertisement must not include any building or business identification signage on the same building elevation.

9.3 Projecting Wall Signs

1. A maximum of one (1) projecting wall sign will be permitted per building elevation and the advertisement must be integrated with the design of the building on which it is to be displayed.
2. The maximum advertising area for a projecting wall sign is 2m².
3. Projecting wall signs must not project more than 2.5 metres from the edge of the building.
4. Projecting wall signs must have a minimum clearance of 2.6 metres above ground level.
5. Projecting wall signs must not be located above the awning of the building.
6. Projecting wall signs must be securely fixed and maintained in a structurally adequate and safe manner.

9.4 Under Awning Signs

1. A maximum of one (1) under awning sign is permitted per building awning. A corner building with a wrap around awning is permitted a maximum of two (2) under awning signs.
2. Under awning signs must be attached to the underside of an awning and erected in a horizontal position at right angle to the building.

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3. A minimum clearance of 2.6 metres is required between the underside of the sign and the footpath below.
4. Under awning signs must be setback at least 600mm from the footpath edge to the road carriageway.
5. The under awning sign must not project beyond the awning.

9.5 Pole or Pylon Signs

1. A maximum of one (1) pole or pylon sign per site is permitted.
2. A minimum clearance of 2.6 metres is required from the underside of the pole or pylon sign and the ground level.
3. The maximum advertising area for a pole or pylon sign upon a site located within a business zone is 8m².
4. The maximum height for a pole or pylon sign upon a site located within a business zone is 8 metres above ground level, provided the height of the sign does not protrude above the dominant skyline (including any buildings, structures or tree canopy).
5. The maximum advertising area for a pole or pylon sign upon land within an Industrial zone is 10m².
6. The maximum height of a pole or pylon sign upon a site located within an Industrial zone is 8 metres above ground level, provided the height of the sign does not protrude above the dominant skyline (including any buildings, structures or tree canopy).
7. The maximum advertising area for a pole or pylon sign upon land within a rural zone is 3m².
8. The maximum height of a pole or pylon sign upon a site located within a rural zone is 2 metres above ground level, provided the height of the sign does not protrude above the dominant skyline (including any buildings, structures or tree canopy).
9. Pole or pylon signs will generally not be permitted upon a site located within a residential zone. However, a pole or pylon sign may be permitted, in special cases where:
 - (a) The proposed sign is for advertising of an existing approved business; and
 - (b) The proposed sign (in the opinion of Council) will not cause any adverse visual impact upon the streetscape character or amenity of the residential locality and /or view loss to key views or vistas; and
 - (c) The maximum advertising area of the sign is 2m² and the maximum height of the sign is 2 metres, above ground level.

9.6 Top Hamper Signs

1. A maximum of one (1) top hamper sign will be permitted per building or premises, except where, in the opinion of Council, the building frontage is of sufficient length to accommodate more than one (1) sign.
2. Top hamper signs may project up to 100 millimetres from the building façade.

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3. Top hamper signs must have a minimum clearance of 2130 millimetres above ground level.
4. The maximum length for a top hamper sign shall be 4 metres.
5. The maximum height for a top hamper sign shall be 600 millimetres.
6. The maximum advertising area for a top hamper sign is 2.4m².

9.7 Window Shopfront Signs

1. The advertisement must relate to the lawful use of the premises or its products or services.
2. The advertising area for a window / shopfront sign shall not exceed 25% of the total window area.
3. The signage must be adhered to on the inside of the window. No signs (including fly posters) will be permitted on the outside of the window. Office **stationarystationery** materials (ie coloured cardboard, office paper and the like with hand drawn messages are prohibited.
4. A heritage impact assessment report is required for any window shopfront sign upon a heritage listed building.

9.8 Drop Awning Signs

1. A maximum of one (1) drop awning sign per premises is permitted.
2. The advertisement must directly relate to the approved use of the premises or its products or services.
3. The maximum advertising area of a drop awning sign shall not exceed 25% of the total surface area of the blind or awning to which the advertising is proposed to be attached.
4. The blind or awning must be attached to the building behind the fascia.
5. The blind or awning must be setback at least 600 millimetres from the line of the kerb.
6. A minimum clearance of 2.6 metres is required from the underside of the blind or awning and the footpath / ground level.
7. All drop awning signs must be non-illuminated.

10 LOCATION OF CERTAIN NAMES AND LOGOS

1. The name or logo of the person who owns or leases an advertisement or advertising structure may appear only within the advertising display area.
2. If the advertising display area has no border or surrounds, any such name or logo is to be located:
 - (a) Within the advertisement, or

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- (b) Within a strip below the advertisement that extends for the full width of the advertisement.
3. The area of any such name or logo must not be greater than 0.25m². The area of any such strip is to be included in calculating the size of the advertising display area.

11 MULTI-OCCUPANCY BUILDINGS

1. In multi-occupancy buildings, a single co-ordinated free-standing advertisement or business directory board is permitted only. A series of separate advertising signs or structures for individual tenancies in the development will not be permitted.
2. The maximum height of a business directory board / free-standing advertisement is 8 metres, where the site is located within a business or industrial zone.
3. A minimum clearance of 2.6 metres is required for any business directory board / free-standing advertisement from the underside of the sign and the ground level.
4. The total combined display area of all wall advertisement signage for the multi-occupancy building shall be in accordance with the following requirements:
 - (a) An above ground elevation of 200 square metres or more – the advertisement must not exceed 10% of the above ground elevation;
 - (b) An above ground elevation of more than 100 square metres but less than 200 square metres – the advertisement must not exceed 20 square metres; and
 - (c) An above ground elevation of 100 square metres or less – the advertisement does not exceed 20% of the above ground elevation.
5. Any wall advertisement must be integrated with the design of the building on which it is to be displayed.

12 BUSINESS IDENTIFICATION SIGNAGE FOR SERVICE STATIONS

1. The following types of business identification signs will be permitted for service stations:
 - (a) Fascia signs;
 - (b) Top hamper signs;
 - (c) A pole / pylon sign;
 - (d) A wall sign; and
 - (e) Entry / Exit signage.
2. Only one (1) pole or pylon sign will be permitted along the public road frontage.
3. The maximum height of the pole or pylon sign shall be 8 metres for sites located within a business or industrial



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zone.

4. The maximum height of the pole or pylon sign for sites located within a rural zone shall be 2 metres.
5. The face of the pole or pylon sign should include a display of the current fuel pricing for the service station operation

13 ADVERTISING SIGNS ON HERITAGE BUILDINGS

1. The design and location of advertising signs on heritage listed buildings must be thoroughly assessed to achieve compatibility with the heritage significance of the building and to maintain the streetscape character of the building.
2. In certain cases, the heritage significance of a heritage listed building will not allow for any new signage or only limited signage opportunities.
3. All new signs must achieve a high degree of compatibility with the architectural character of the heritage listed building. In certain cases, only traditional signage designs will be permitted.
4. Any new sign must be well designed and located in a manner to ensure the sign does not affect the heritage significance of the building.
5. In the majority of cases, non-illuminated signs will only be permitted, except where Council is of the opinion that signage illumination is appropriate to the heritage significance of the item.
6. The installation of any signage must not damage the fabric of the heritage building.
7. Any sign on a heritage building must be sympathetic with the architectural style of the building to which it is proposed to be attached and must be of a high standard of materials with appropriate lettering and graphics.
8. Any sign on a heritage building must be appropriately positioned on the building to maintain the heritage significance and streetscape appearance of the building.
9. The installation of any sign on a heritage building is to be carried out in a reversible manner and to ensure that no damage to the fabric of the building will occur.
10. In all cases, a heritage impact assessment report will be required which provides a comprehensive assessment of the proposed advertising signage in relation to the heritage significance of the building. This assessment will be used to determine what type of signage is appropriate to the building, whether existing signs are to be retained and whether the proposed signage should be permitted in either a traditional or contemporary design.
11. The heritage impact assessment report must take into account the findings and recommendations of any Conservation Management Plan pertaining to the heritage building in the assessment as to whether or not the proposed signage is appropriate given the heritage significance of the building.

ITEM 2

PUBLIC EXHIBITION - WOLLONGONG DEVELOPMENT CONTROL PLAN 2009
CHAPTER E1: ACCESS FOR PEOPLE WITH DISABILITY

Wollongong Development Control Plan (DCP) 2009 came into force on 3 March 2010, following the commencement of the Wollongong Local Environmental Plan 2009. Chapter E1 Access for People with a Disability of the DCP outlines the statutory framework and the legislated requirements for providing access for people with a disability.

In 2020, a review of Chapter E1 was undertaken to bring it in line with current legislation, Council's obligations under the adopted Disability Inclusion Action Plan (DIAP) and recognised best practice. On 15 March 2021, Council resolved to exhibit a revised draft Chapter E1 Access for People with a Disability.

The draft chapter was exhibited from 27 March to 26 April 2021. Council received three submissions from the public exhibition process. In addition, further feedback from Council staff was received during this period. This report summaries issues raised in those submissions and feedback.

As a result of the exhibition process, an extensive redraft of the chapter was carried out. Additionally, to reflect contemporary terminology, the name of the chapter has been amended. This report recommends that Council endorse the revised draft Chapter E1: Access for People with Disability, for a second public exhibition period of a minimum of 28 days.

RECOMMENDATION

- 1 The revised draft Wollongong Development Control Plan 2009 Chapter E1: Access for People with Disability be exhibited for a minimum period of 28 days.
- 2 Persons who made submissions during the first exhibition period be thanked for their input and invited to comment on the revised draft DCP Chapter.
- 3 Following the exhibition period, a report outlining the submissions received from the exhibition process, with recommendations regarding progression of the draft DCP amendments, be prepared for Council's consideration.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Draft Wollongong DCP 2009 Chapter E1: Access for People with Disability

BACKGROUND

In 1993 the *Federal Disability Discrimination Act 1992* (DDA) commenced which made it unlawful for a person to discriminate against another person on the grounds of disability in the areas of work, accommodation, education, access to premises, clubs and sport.

Operating to support the DDA framework is the National Construction Code (NCC), which includes the Building Code of Australia (BCA). The Wollongong DCP (2009) commenced on 3 March 2010 and includes Chapter E1: Access for People with a Disability (Chapter E1) to also support the DDA framework.

The Federal Government identified that shortfalls in the NCC and BCA existed and on 1 May 2011 the Government introduced the Disability (Access to Premises – buildings) Standards 2010 (Premises Standards). The purpose of the Premises Standards is to ensure dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with a disability; and, to give certainty to building certifiers, developers and managers that if the

Standards are complied with, they cannot be subject to successful complaint under the DDA in relation to the matters covered by the Premises Standards.

Since the Chapter E1 came into force, the following changes have occurred, and initiatives introduced -

- In 2014, the *NSW Disability Inclusion Act 2014* (DIA) commenced. The DIA required NSW Councils to implement a Disability Inclusion Action Plan (DIAP) by 1 July 2017.
- In 2016, Council endorsed the DIAP 2016-2020 following consultation with the community. The DIAP 2016-2020 guided Council in making services, facilities, activities and information more inclusive and accessible.
- On 19 February 2019, Council adopted the Ageing Plan 2018 – 2022 which was developed in consultation with the community to identify key priorities for making the City of Wollongong a great place for older people. One of five focus areas was the creation of liveable communities – where people can move about easily to access services and facilities and participate in community life. Actions to achieve the priority included improved footpaths that link important places like town centres, parks, railway stations, and bus stops. The actions of the focus area assisted in informing the review of Chapter E1 and the desired built form outcomes.
- On 31 August 2020, Council adopted the Disability Inclusion Action Plan (DIAP) 2020 – 2025. An action in the DIAP is the review of Council's planning documents including DCP Chapter E1: Access for People with a Disability.

Given the number of informing documents that are now in place, it is timely to update the Chapter E1 to remove inconsistencies and reduce potential confusion.

On the 15 March 2021, Council considered a report on the review of Chapter E1 and resolved that –

- 1 *Draft Wollongong Development Control Plan (2009) Chapter E1: Access for People with a Disability be exhibited for a minimum period of 28 days.*
- 2 *Following the exhibition period, a report outlining the submissions received from the public exhibition process with recommendations regarding progression of the draft DCP amendments be prepared for Council's consideration.*

The endorsed documents were exhibited from 27 March to 26 April 2021. Council received three submissions from the public and four internal referrals from Council officers. From the submissions received it was evident further revision of Chapter E1 was required to ensure it meets the needs of the community and are consistent with Council policy.

PROPOSAL

This report presents the main themes raised in the submissions and provides a response to those matters. As a consequence of the submissions, the draft DCP Chapter has been reviewed and redrafted. It is recommended that Council endorse the reviewed draft Chapter E1: Access for People with Disability for public exhibition.

CONSULTATION AND COMMUNICATION

Following Council's resolution, notice was given in the local newspapers including the Advertiser and Illawarra Mercury of the exhibition of the draft DCP chapter. The draft Chapter E1 was exhibited from 27 March to 26 April 2021. The exhibition was made available through Council's engagement website, our.wollongong.nsw.gov.au and hard copies at Council's Libraries and Administration Building Customer Service and was forwarded to the operating Neighbourhood Forums. Additionally, Council notified key stakeholder groups of the public exhibition.

As part of the public exhibition Council carried out a media release regarding the exhibition of the chapter and this was further reported on WaveFM 96.5FM on the 7 April 2021, and featured on the Disability Insider website on the 6 April 2021.

The exhibition webpage was viewed 116 times, 66 documents were downloaded, and three submissions were provided by the public. The table below is a summary of the submissions received from the public.

During the public exhibition, the draft chapter was referred to Council staff in Development Assessment and Certification, Community Development, Traffic & Transport Unit and Development Engineering for comment. As a result of the internal consultation process, four internal referrals were received from Council officers. The feedback identified more user friendly and contemporary language be used and in some instances the terminology used in Chapter E1 be updated to current, contemporary standards. Furthermore, it was identified the Chapter needed rewording to strengthen the links to current legislation and standards.

Community Submissions		
Theme Raised	Council Comment	Action
<p>Inclusion of the UN Convention of Right of Persons with a Disability</p> <p>Specifically referring to the following articles:</p> <p>Article 19 - Living independently and being included in the community</p> <p>Article 21 - Freedom of expression and opinion, and access to information</p> <p>Article 29 - Participation in political and public life</p> <p>Article 30 - Participation in cultural life, recreation, leisure and sport</p>	<p>The DDA contributes to fulfilling the requirements of the UN Convention of Right of Persons with a Disability and extends beyond setting a framework for development.</p> <p>Chapter E1 references the BCA and Australian Standards, which provide a suitable means of fulfilling the legislative requirements under the framework of the DDA.</p> <p>Included in the revised Chapter E1 are controls based on the current requirements for liveable and adaptable housing.</p> <p>The Chapter has been further amended to include more encompassing controls for spaces and events accessed by the public. The additional controls have been included to promote a built environment that is inclusive and accessible for all residents and visitors.</p>	<p>While the UN Convention of Rights of Persons with a Disability is not referenced directly, a broad range of additional controls have been added to promote a built environment that is inclusive and accessible for all residents and visitors.</p> <p>No further actions required.</p>
<p>Transitions when accessing transport.</p>	<p>Council's Traffic Section provided comment on the draft chapter and recommendations. This included footpath crossover slope, intersection kerb ramps and protective features. Further information on the recommendations provided by Council's Traffic Unit is detailed within the report.</p> <p>Technical aspects of providing access to public infrastructure is generally covered under the Disability Standards for Accessible Public Transport 2002, as legislated under the DDA.</p>	<p>See the Council staff comments in the table below for amended and added controls.</p>
<ul style="list-style-type: none"> Access to all terrain wheelchairs 	<p>Many of the comments provided fall</p>	<p>Refer to Council's Traffic</p>

Community Submissions		
Theme Raised	Council Comment	Action
<p>with the installation of permanent hoists with inline OH&S requirements. A hoist with universal yoke, mains powered.</p> <ul style="list-style-type: none"> • Accessible Mobi mats at beaches. • Maps showing accessible access into the CBD • Maps showing disability parking spaces • Request to add more disability parking spaces which are dedicated for vehicles with hoists • Improved curb gradients in CBD + near police station zebra crossing • Mobi matting to events and shaded areas. 	<p>outside the scope of Chapter E1. However, were forwarded onto the relevant sections within Council to consider.</p> <p>Kerb ramps and footpath gradients have been addressed in Council's Traffic Section comments.</p> <p>Additional controls have been included in the redrafted chapter pertaining to events.</p> <p>Suggestions for infrastructure improvements have been referred to the relevant Divisions</p>	<p>Section's comments and recommendations for controls pertaining to kerb ramps and footpaths.</p> <p>Additional controls added for events.</p>

Internal Staff Feedback	
Theme raised	Comments/Actions

Internal Staff Feedback	
Theme raised	Comments/Actions
<ol style="list-style-type: none"> 1 Introduction update - date correction - wording changes. 2 Purpose - suggested changes to align with DIAP. 3 4.1.1 - include (a) to (f) from Section 23 of the DDA. 4 Premises Standards - typographical update. 5 Universal Design - Provide examples and references. 6 Controls for Providing Access - Reference liveable housing guidelines. 7 Expand the principles of universal design guidelines. 8 Interfacing with the Public Domain - Objective rewording. 9 Continuous Accessible Path of Travel - Control rewording. 10 Walkways, ramps and Landing - Objective (b) rewording 11 Outdoor Areas - including parks - Additional controls recommended. 12 Outdoor Areas - including parks - Control wording amendment. 13 Outdoor Areas - including parks - Control wording amendment. 	<ol style="list-style-type: none"> 1 Date changed - wording updated. 2 Purpose - wording amended how limited scope to include wording from the DIAP within the Chapter. 3 Amended to include (a) to (f) from Section 23 of the DDA. 4 Typographical error updated. 5 Universal design reference given in the further reading section of the Chapter. These documents provide examples of universal design. Wording amended. 6 Controls for providing access updated to include references to liveable housing design guidelines. 7 Principles of universal design expanded as suggested. 8 Objective reworded as recommended. 9 Section moved within Chapter and Control reworded as recommended. 10 Objective (b) reworded as recommended 11 Recommended additional controls added as necessary 12 and 13 - Control wording amended as recommended.

Internal Staff Feedback	
Theme raised	Comments/Actions
14 Liveable and visitable housing design - Remove reference to visitable.	14 Section changed to Livable Housing (Silver Level) and an additional section introduced into the Chapter for Adaptable Housing.
15 Liveable and visitable housing design - Objective reword	15 Objectives reworded
16 Access to Heritage Buildings - Objective reword	16 Objectives reworded as recommended.
17 Access to temporary structures and during temporary events - Reference existing Council documents available to the public.	17 References to existing Council documents provided as recommended.
18 Accessible Adult Change Facilities in Public Buildings - Inclusion of definition.	18 Wording amended to assist in understanding accessible adult change facilities.
19 Accessible Adult Change Facilities in Public Buildings - Amend objective wording	19 Objective reworded as recommended.
20 Accessible Adult Change Facilities in Public Buildings - Amend control to include all pools	20 Controls updated as recommended.
21 Appendix 1 - Design Examples - update to new references	21 Unable to provide updated examples of access due to the Australian Human Right Commission (AHRC) not producing updated reference material since 2008. In light of this, information about Appendix 1 was amended; but retained in the document to provide visual examples of how to provide access and the items that should be considered.
22 Footpaths are to have no cross over slope.	22 Wording amended to reflect recommendation.
23 Footpaths to be constructed from non-slip materials.	23 Wording amended to reflect recommendation
24 Street crossings to have dual ramps with tactile surfaces and markings/signage/buttons.	24 Wording included to reflect recommendation.
25 Protection for disabled at street crossings designed for (something almost invisible).	25 Wording included to reflect recommendation.
26 Ramps across larger areas of outdoor spaces.	26 Wording included to reflect recommendation.
27 Ramps and stairs combinations (stramps).	27 Not included. Research of stramps did not support the inclusion in the chapter as users often recorded difficulties using the infrastructure.
28 Ramps to be constructed to comply with applicable standards.	28 Not included. Diagrams of ramps not included as reference is given to the Australian Standards and the BCA.

Internal Staff Feedback	
Theme raised	Comments/Actions
29 20% of apartments are to meet the silver liveable housing guidelines and has been reflected in the draft chapter	29 Controls updated as recommended
30 Proposed changes to the NCC will make it a requirement all new dwellings are to achieve silver liveable housing - there may be circumstance where constraints will limit the ability to provide silver liveable housing; however, at this stage what the constraints are is unknown.	30 Wording included to reflect recommendation. The proposed changes to the NCC have not been formally adopted. It is difficult to predict if the changes to liveable housing standard will adopted. Therefore, the chapter has been amended to guide developers should the NCC rates change.
31 Flooding/accessibility has been identified in a number of new development applications.	31 Not included. The impacts of flooding have been considered in the review of the Chapter. Due to the complexity of flooding and the potential implications of introducing new accessibility control that may result in unforeseen negative impact, the Chapter has not been amended.
32 Language has mostly been updated to be more user friendly	32 Noted.
33 Change "People with a Disability" to People with Disability in accordance with the Style Manual.	33 Reference within the document changed to People with Disability.
34 Page 3 change text in line with the style manual and amend paragraph to remove "the rest of the community" to amend to more inclusive language.	34 Wording updated.
35 Update resources from AHRC if possible (Appendix 1 - Design Examples)	35 Unable to provide updated examples of access due to the AHRC not producing updated reference material since 2008.
36 Update language in Appendix 1 to align with the style manual.	36 Language updated as recommended.
37 Update 5.2.1b and 5.2.1c language to reflect the style manual.	37 Language updated.
38 Formatting and line spacing	38 Line spacing amended.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal. It specifically delivers on the following -

Community Strategic Plan	Delivery Program 2018-2022	Operational Plan 2021-22
Strategy	4 Year Action	Operational Plan Actions
1.3.1 Manage land uses to strengthen urban areas and improve connectivity to train stations and key transport routes	1.3.1.1 Impacts from development on the environment are assessed, monitored and mitigated	Engage with other tiers of government, the development/building industry and the broader community to achieve improved development outcomes

RISK MANAGEMENT

The revised draft DCP Chapter E1 will provide more clarity to Council and the development industry regarding the requirements for access provisions to buildings and public spaces. The exhibition process will allow the community to provide further input to the revised chapter

CONCLUSION

The draft Wollongong Development Control Plan (DCP) 2009 Chapter E1 Access for People with a Disability was exhibited from 27 March to 26 April 2021. Following submissions received by members of the public and Council officers through the formal exhibition process, an extensive redraft of the Chapter occurred. It is recommended that the revised draft DCP Chapter and contents be re-exhibited for a further 28 days to allow community input.

Following the exhibition period, submissions will be reviewed and reported to Council with recommendations regarding the progression of the guiding document.



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Part E – General Controls – Design Controls

Chapter E1: Access for People with Disability

Document Control

Document ID: Wollongong DCP 2009 – E1 Access for People with a Disability

Rev No	Adoption Date	In force date	Revision Details
1	15/12/2009	3/3/2010	Adopted
2	15/3/21		Draft for exhibition
3	17/2/2022		Revised Draft for exhibition – Substantial revision. Renamed Access for People with Disability

Part E – General Controls – Design Controls

Chapter E1: Access for People with Disability

1 INTRODUCTION

1. This Chapter of the Development Control Plan was developed in response to Council's commitment to make Wollongong a City that is inclusive of everyone and provides equal opportunity for people with disability to participate in all aspects of community life. This Chapter should be read in conjunction with the Chapter B1 - Residential Development, Chapter B3 Mixed Use Development, Chapter B4 - Development in Business Zones and Chapter B5 – Industrial Development the Wollongong Development Control Plan 2009 (WDCP 2009). Furthermore, other Chapters, of WDCP 2009, such as those relating to flooding, will require access provision to be considered and appropriately planned for.
2. In 2018, the Australian Bureau of Statistics (ABS) conducted a Survey of Disability, Ageing and Carers. The survey showed that just over one in six people in NSW have a disability that affects one or more daily activities such as self-care, mobility and communication. Furthermore, the rate of disability increased with age and this number is expected to grow as the population lives longer and people acquire disabilities as they age.
3. Disability is defined as any continuing condition that restricts everyday activities and can affect a person's capacity to communicate, interact with others, learn and move independently. Disability can be permanent or episodic and often categorised as:
 - (a) Sensory: impacting vision and/or hearing, autism spectrum disorder and sensory processing disorder.
 - (b) Neurological: impacting a person's ability to control their movements.
 - (c) Physical: affecting mobility and/or a person's ability to use their upper or lower body.
 - (d) Intellectual: affecting a person's judgement, ability to learn and communicate.
 - (e) Cognitive: affecting a person's thought processes, personality, memory.
 - (f) Mental Health: impacting upon a person's emotions, thought processes and behaviours.
4. It is important to understand and design for the different access challenges faced by people with disability. Common access challenges for people with disability include:
 - Physical barriers: lack of access to the built environment
 - Cognitive barriers: barriers to communication barriers and accessing information
 - Psychiatric illness: may cause people to be overwhelmed by crowded and noisy environments
 - Sensory disability: barriers to communication and accessing information and become overwhelmed by noisy environments
5. Wollongong City Council encourages developers to incorporate the principles of universal design when developing the built environment provide a built environment that can be enjoyed by all residents and visitors.

2 LAND TO WHICH THIS PART APPLIES

1. This Chapter of the WDCP 2009 applies to all land within the Wollongong Local Government Area (LGA).

3 PURPOSE

1. Wollongong City Council is committed to making Wollongong a city that is inclusive of everyone and provides equal opportunity for people with disability to participate in all aspects of life across our city. Council recognises improving access enhances quality of life for the whole community.
2. The purpose of this Chapter of the WDCP 2009 is to:
 - (a) provide equitable dignified access within all new development and ensure that substantial building work carried out on, or intensified use of existing buildings provides upgraded levels of access and facilities for all people.
 - (b) ensure the public domain in new development provides permeability, legibility, flexibility, consistency, integration, and clarity to allow for equitable and safe access for all people.
 - (c) provide a reasonable proportion in residential units in multi-unit developments which are designed to be easily modified to cater for occupants with existing or progressive disability.
 - (d) encourage consideration of access issues early in the development and design process.
 - (e) outline the current statutory framework concerning the provision of equitable access.
3. This Chapter of the DCP acknowledges legislation, codes and standards work together to set out when and how access is provided. However, these are the minimum standards and as such Council recommends developers design incorporate the principle of universal design when designing and developing the built form environment. This will ensure the built environment can be used by everyone to the greatest extent possible without the need for adaptation. The aim of universal design is to consider the needs of as many users as possible to deliver social, economic and health benefits for the community.

4 STATUTORY FRAMEWORK

1. In Australia, there is a range of federal and state legislation and policies in place governing the rights of people with disability. The key legislation, standards and codes utilised to enforce, control and guide access are detailed below:
 - (a) Disability Discrimination Act 1992 (Federal)
 - (c) The Disability (Access to Premises – building) Standards (2010)
 - (d) The Building Code of Australia under the National Construction Code
 - (e) Australian Standards called upon in the BCA

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Chapter E1: Access for People with Disability

4.1 Commonwealth Disability Discrimination Act 1992

4.1.1 General

1. The [Disability Discrimination Act 1992](#) (Commonwealth) (DDA) makes it unlawful to discriminate against a person with disability. The DDA prohibits unlawful discrimination in the provisions of access to any building or part of a building the public is entitled to enter or use. The *Disability Discrimination Act 1992* came into effect on 1 March 1993. The DDA does not specify design requirements to meet this non-discrimination requirement. In 2000 the Australian Government amended the DDA to allow for the development of 'disability standards' under Section 31 (1) of the Act. In 2010 the Disability (Access to Premises-Buildings) Standards were developed.
2. The DDA makes it unlawful to discriminate against people with disability in all areas of public life, including access to and use of buildings and places which include government administration buildings; public domain areas; educational establishments and libraries. The full list of buildings and establishments to which it is unlawful to discriminate against providing access to people with disability is contained within the DDA.
2. Section 23a of the DDA sets out the following for access to premises:

It is unlawful for a person to discriminate against another person on the ground of the other person's disability:

 - (a) *by refusing to allow the other person access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not); or*
 - (b) *in the terms or conditions on which the first-mentioned person is prepared to allow the other person access to, or the use of, any such premises; or*
 - (c) *in relation to the provision of means of access to such premises; or*
 - (d) *by refusing to allow the other person the use of any facilities in such premises that the public or a section of the public is entitled or allowed to use (whether for payment or not); or*
 - (e) *in the terms or conditions on which the first-mentioned person is prepared to allow the other person the use of any such facilities; or*
 - (f) *by requiring the other person to leave such premises or cease to use such facilities*
3. The DDA sets out to eliminate, where possible, discrimination against people on the grounds of disability. In addition to ensuring, where possible, that a person with disability has the same rights to equality before the law as the wider community; and, to promote recognition and acceptance that persons with disabilities have the same fundamental rights as the rest of the community. This is through making every area and facility open to the public, open and accessible to people with disability.
4. While the DDA makes it unlawful to discriminate against providing access to people with disability; the DDA also sets out provisions for when access cannot be provided in Section 29a of the Act. This Section of the Act specifically applies to buildings that have been previously designed or constructed as inaccessible to a person with disability and alterations would impose unjustifiable hardship to the access provider. 'Unjustifiable hardship' does not apply to new developments used by the public. New buildings must provide suitable access for all people, including people with disability.
5. A decision about what constitutes unjustifiable hardship can only be made by the Federal Court on a case-by-case basis in response to an actual complaint. Applicants should note that the granting of consent by the consent authority that is noncompliant with the BCA or these provisions due to technical limits, topographical restriction or heritage significance does not protect the applicant against a complaint being made against them under the DDA.

4.2 The Disability (Access to Premises – Buildings) Standards 2010

1. The Disability (Access to Premises – Buildings) Standards (Premises Standards) commenced on the 1 May 2011. The purpose of the Premises Standards and corresponding Building Code of Australia is to:
 - (a) ensure equitable, dignified, access to and use of buildings, and facilities and services within buildings, is provided for people with disability; and
 - (b) give certainty to certifiers, developers and managers, that if the Standards are complied with, they cannot be subject to successful complaint under the DDA in relation to those matters covered by the Premises Standards.
2. The Premises Standards apply to buildings and structure governed by the Building Code of Australia that require a building approval, that is applications for:
 - (a) a construction certificate
 - (b) a complying development certificate
3. The Premises Standards apply to the building certifier, building developer and building manager.
4. Building work to which the Standards apply are to new buildings; new parts of an existing building and affected parts of an existing building
5. Affected part means:
 - (a) the principal pedestrian entrance of an existing building that contains a new part, and;
 - (b) any part of an existing building that contains a new part, that is necessary to provide.
 - (c) a continuous accessible path of travel from the entrance to the new part.
6. Affected part of the building does not apply to:
 - (a) existing parts of the building outside of the area of new work and the affected upgrade.
 - (b) an accessway from the allotment boundary, from any accessible car parking space on the allotment or between other building on the allotment.
7. Note: while the Premises Standards are not applicable at the development application stage, they are required as part of the construction certificate. To avoid unnecessary delays and reduce the need for any potential modification of an issued development consent, Council recommends the Premises Standards be considered early in the design process.
8. Copies of the Premises Standards, an explanatory statement and frequently asked questions can be viewed and downloaded from www.ag.gov.au/premisesstandards. Additionally, the Australian Human Rights Commission has produced Guidelines on the application of the Premises Standards. These guidelines are helpful in interpreting the standards and can be viewed and downloaded from www.hreoc.gov.au/disability_rights/standards/PSguide.html

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Chapter E1: Access for People with Disability

4.3 Building Code of Australia and Australian Standard AS 1428

4.3.1 General

1. The Building Code of Australia (BCA) is contained with the National Construction Code and provides the minimum necessary requirements for safety, health, amenity, and sustainability. The BCA provides Performance Based and Deemed-to-Satisfy provisions and criteria.
2. Amendments were made in 2011 to ensure that it was consistent with the Access Code of the Premises Standards. Although legally they are separate documents, compliance with the amended BCA and State building laws and regulations will also ensure compliance with the Premises Standards.
3. New development must achieve the prescribed minimum standards and provide equitable access for people with disability. Where substantial alterations are proposed to an existing development, the consent authority has the discretion to enforce the provisions of the BCA.
4. The BCA is performance based and therefore allows for a boarder range of solutions; making it easier to plan and design for specialised needs that apply to particular buildings. Where an alternative solution is proposed; the applicant must demonstrate to the consent authority how the alternative solution achieves the same outcome as a "deemed to satisfy" provision given in the BCA.
5. The Deemed to Satisfy provisions of the Building Code of Australia, which concern to access, mobility and sanitary facilities for people with disability are primarily located in:
 - Part D3 Access and Egress for People with Disabilities;
 - Part E Lift Installations; and
 - Part F2 Sanitary Facilities and other facilities

The Performance requirements of the BCA that are accessibility related are primarily located in:

 - Performance Requirement DP1 and DP2
 - Performance Requirement EP3.4
 - Performance Requirement FP2.1
6. The BCA was amended in 2011 to ensure that applications for development formally include access related Australian Standards.
7. The BCA makes reference to some of the Australian Standards applicable to design of equitable access. Designers and planners should refer to the most relevant and current provisions of both the referenced Australian Standards and non-referenced Australian Standards in respect to any development. The most recent Australian Standards will be referenced during the assessment of development applications occurring within the Wollongong LGA.
8. The BCA references the Australian Standards that are technical in nature and details where they are mandatory. The following Australian Standards are referenced by the BCA as being mandatory.
 - (a) AS 1428.1 Design for access and mobility: General requirements for access – New building work

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- (b) AS1428.2 Enhanced and additional requirements for access – building and facilities
- (c) AS 1428.4 Means to assist the orientation of people with vision impairment – Tactile ground surface indicators (TGSi)
- (d) AS 1428.5 Communication for people who are deaf or hard of hearing
- (e) AS 1735.12 Lifts, Escalators and Moving Walkways.
- (f) AS/NZS 2980.6 Off street parking for people with disabilities
- (g) AS 3769 Automatic Teller Machines
- (h) AS 4299 Adaptable Housing
- (i) AS 4586 Slip Resistance of Pedestrian Surfaces

The Australian Standards listed above are the minimum requirements to satisfy the requirements of the BCA. It should be noted that developers can seek alternative solutions to achieve the goals of the BCA. Council recommends developers to explore design solutions that exceed the minimum requirements, as many of the Australian Standards are based upon data collected prior to current technological advancements.

Australian Standards are subject to regular review and modification.

Copies of Australian Standards can be obtained from:

Standards Australia
Level 10, The Exchange Centre
20 Bridge Street
Sydney NSW 2000
Ph: 1800 035 822

www.standards.org.au

Additionally, the Australian Human Rights Commission has published “The Good, the Bad and the Ugly – Design and Construction for Access April 2008” document, which provides examples concerning access and mobility arrangements as well as sanitary facilities for people with disability. This document may be obtained via the Commission’s website at:

www.humanrights.gov.au/disability_rights

Selected examples from this document of good and poor access and mobility arrangements for people with disability are included in Appendix 1.

5 CONTROLS FOR PROVIDING ACCESS

5.1.1 Objective

- (a) Promote applications that provide equitable dignified access for people with disability in all types of development (excluding Class 1a buildings, being single detached dwelling houses) in Wollongong LGA.

5.1.2 Controls

1. Development is to comply with the BCA and Premises Standards.

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2. Access provisions apply to applicable Development Applications and Construction Certificates for all new developments, subdivisions, and alterations and additions affecting more than 50% of the total floor space area over a combined 3 year period or that increase the floor space by 30% or more;
3. The submission of a Development Application to Council requires completion of the relevant DA checklist. In order to satisfy the requirements of these checklists, an access report prepared by an accredited access consultant is to form part of the DA documentation, where deemed necessary.

Note: Class 1a buildings generally have few legal requirements to provide access and facilities for people with disability. However, due to Australian's ageing population and likelihood of disability increasing with age, Council recommends developers of single dwellings, gain advice from an accredited access consultant wherever possible. Council recommends a silver level of housing be provided in accordance National Construction Code and the Livable Housing Australia Design Guidelines. Further information on Livable Housing Australia and silver level housing can be found at <https://livablehousingaustralia.org.au/downloads/>

5.2 Universal Design

5.2.1 Objectives

- (a) Incorporate principle of universal design to ensure development better meet the needs of as many users as possible.
- (b) Promote design that help everybody with support and assistance needs, which includes people with disability, older people, pregnant women, children and people with temporary illness or injury.
- (c) Enhance economic, education, health and social opportunities through development.

5.2.2 Controls

1. The seven principles of universal design should be demonstrated during the planning and design of development. Applications for development requiring an assessment by an accredited access consultant will require the principles of universal design to be addressed in the Statement of Environmental Effects.
 - (a) Equitable use:
How the design is useful and marketable to persons with diverse abilities, through addressing how the design:
 - Provides the same means of use for all users: identical whenever possible; equivalent when not.
 - Avoids any users being segregated or stigmatised.
 - Provides all users with equal availability to privacy, security, and safety.
 - Is appealing to all users.
 - (b) Flexibility in use:
How the design accommodates a wide range of individual preferences and abilities, through addressing how the design:
 - Provides choice in methods of use.
 - Accommodates right or left-handed access and use.
 - Facilitates the user's accuracy and precision.
 - Provides adaptability to the user's pace.
 - (c) Simple and intuitive use:

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How the design is easy to understand, regardless of the user's experience, knowledge, language skill or concentration level, through addressing how the design:

- Eliminates unnecessary complexity.
- Is consistent with user expectations and intuition.
- Accommodates a wide range of literacy and language skills.
- Arranges information consistent with its importance.
- Provides effective prompting and feedback during and after task completion

(d) Perception information:

How the design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities, through addressing how the design:

- Uses different modes (pictorial, verbal, tactile) for the presentation of essential information.
- Provides adequate contrast between essential information and its surroundings.
- Maximises "legibility" of essential information.
- Differentiates elements in ways that can be described (i.e., make it easy to give instructions or directions).
- Provides compatibility with a variety of techniques or devices used by people with sensory limitations.

(e) Tolerance for error:

How the design minimises hazards and the adverse consequences of accidental or unintended actions, through addressing how the design:

- Arrange elements to minimise hazards and errors: most used elements, most accessible; hazardous elements eliminated, isolated, or shielded.
- Provide warnings of hazards and errors.
- Provide fail safe features.
- Discourage unconscious action in tasks that require vigilance.

(f) Low physical effort:

How the design that can be used efficiently and comfortably and with a minimum of fatigue, through addressing how the design:

- Allow user to maintain a neutral body position.
- Use reasonable operating forces.
- Minimise repetitive actions.
- Minimise sustained physical effort.

(g) Size and space for approach and use:

How the design provides appropriate size and space – for approach, reach, manipulation and use, regardless of the user's body size, posture or mobility, through addressing how the design:

- Provides a clear line of sight essential elements for any seated or standing user.
- Makes reach to all components comfortable for any seated or standing user.
- Accommodates variations in hand and grip size.
- Provides adequate space for the use of assistive devices or personal assistance.

5.3 Interfacing with the Public Domain

5.3.1 Objectives

- (a) Provide a public domain that interfaces with development that promotes accessibility, without the need for steps or level changes

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- (b) Ensure public spaces are not perceived to be alienated through encroachments into the public domain, which provides access to private development.

5.3.2 Controls

1. Development should be constructed to meet the existing public domain without the need for steps or ramps. Where finished floor levels are required to be elevated from the public domain, the transition should occur within the internal footprint of the building.
2. Development should not include the use of raised walkways in the public domain that terminate in stairs.
3. Extended horizontal lengths of stairs, regardless of the number of risers, is not to occur in the public domain.
4. Access to and within developments that account for levels changes is to comply with the applicable legislation, construction codes and standards.

Figure 1 Illustrates built form outcomes that challenge manoeuvrability and limit equitable access to public space. Figure 2 demonstrates a desirable interface between new development and the public domain featuring level transitions allowing for equal access.



1 Unnecessarily raised access to storefronts and residential apartments foyer enclosed by fencing located within the public realm, which requires the use of stairs to navigate transition changes.

Figure 1: Complicated interface with the public domain



2 Ground floor commercial and shared public entrances at street level, featuring thresholds that are unhindered by steps that promote accessibility.

Figure 2: Level interface with the public domain

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2. In some exceptional cases, it may be appropriate to allow for development to encroach upon or alter the public domain so that equitable access can be provided to a building. In proposing that access be provided via a ramp or other mechanical device on the public domain or alteration of the public domain, the applicant must demonstrate the following:
 - (a) Access by other means will result in a substantial loss of original fabric of a heritage item, thereby impacting on the significance of the place, and that the provision of equitable access is highly desirable, with no alternative access options available.
 - (b) The proposal involves a significant public building where equitable access is highly desirable and there are no alternative access options available; and
 - (c) The safety, accessibility, legibility and consistency of public domain is not adversely affected.
3. Should an applicant propose the use of the public domain to provide equitable access to a building, Council's consent as owner of the land must be obtained prior to lodgement of a development application. To obtain Council's consent the applicant must fully document all access options that have been pursued.
4. To assist in the assessment of Development Applications where equitable access is required, Council recommends the provisions for access be prioritised during the design phase.

Note: Access can be discussed as part of a pre-lodgement meeting and is recommended by Council.

5.4 Public Spaces and Links to Private Properties

5.4.1 Objectives

- (a) Provide public spaces and links to private property, that through design, are safe, welcoming and allow equitable and dignified access.

5.4.2 Controls

1. Public spaces within private development are to connect to roads, transport, private spaces within buildings and to services and facilities.
2. Where a Development Application is proposed on Council's land, access standards and principles of universal design are to be considered in relation to the entire site to supplement any specific requirements in this chapter.
 - (a) Public spaces, which include, features such as pathways, tables, seating, lighting, passing spaces, drinking fountains, rubbish bins and/or traversable play areas are to meet or exceed AS1428.2.
 - (b) Development on public and/or private properties must provide and maintain accessible links and continuous accessible paths of travel between BCA categorised Class 2 to Class 10 building and to adjacent public spaces or pedestrian networks.
 - (c) For Class 1 development containing 2 or more dwellings, barriers to access should be removed at private to public interfaces.
3. Footpaths should have a crossover slope no greater than 1 in 40. This includes locations where there is an existing or proposed driveway crossing.

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5.5 Continuous Accessible Path of Travel

5.5.1 Objectives

- (a) Provide continuous accessible path of travel to all areas and facilities, which are generally open to the public.

5.5.2 Controls

1. All continuous paths of travel are to comply with the BCA and AS1428.1.
2. Accessible paths of travel should not incorporate any steps, humps, stairways, revolving doors/turnstiles, escalators or other impediments that prevent the path of travel being utilised by all people, including people with disability. It should make provision for adequate lighting for night-time use, and not include areas with the potential for entrapment. The provision of a continuous accessible path of travel is fundamental to creating a safe and accessible environment.
3. A continuous accessible path of travel must be provided:
 - (a) From accessible parking spaces and passenger drop off points to entrances of buildings.
 - (b) To connect buildings, facilities and spaces that are on the same block or part of the same, complex, where topographically possible.
 - (c) To connect accessible entrances of a building to all accessible spaces and facilities within the building.
 - (d) To minimise distances travelled between accessible elements of buildings and facilities.
 - (e) From public spaces to entrances of buildings.
 - (f) From the allotment boundary site at the main point of entry.
 - (g) Through the principle public entrance.

A continuous accessible path of travel is to:

- (a) Have a smooth non-slip surface with a cross camber of no greater than 1 in 40.
- (b) Have the shallowest possible gradient for the distance available.
- (c) Have a physical separation between pedestrians and vehicle traffic.
- (d) Be well lit and sheltered from the elements.
- (e) Incorporate, wherever possible, rest stations that are sheltered from the weather.
- (f) Preferably, have a pedestrian zone with a minimum clear width of 1.8 metres at the narrowest point and a minimum clear height of 2 metres with no encroachments into that envelope.
- (g) Include signage and tactile markers that directs people to accessible locations.
- (h) Constructed materials that a uniform in finish.

- (i) Restrict the use steps.

5.6 Walkways, Ramps and Landings

5.6.1 Objectives

- (a) Provide walkways, ramps and landings to transition between different floor levels that are designed for equitable dignified access to public places that in certain circumstances act as resting points and circulation spaces.

5.6.2 Controls

- (a) Walkways, paths, ramps and landing must be provided in accordance with AS1428.1
- (b) Where handrails are required, they are to be designed and install in accordance with AS1428.1 (refer to Appendix 1 for complaint handrail designs).
- (c) Walkways, paths and landings shall be filled in underneath, where applicable.
- (d) Private walkways are not to protrude into the public domain unless prior approval has been given by Wollongong City Council.
- (e) The gradient of walkways and ramps should be consistent between landings. Additionally, the angle of approach to landings should be at or near zero degrees.
- (f) Where the design will result in extended lengths or multiple ramps, other mechanical means, such as lifts, should be utilised. Note: design to meet the existing public domain will often provide a built form that promotes connectivity.
- (g) At the end of walkways, paths and ramps contrasting surfaces should be used and TGSIs used in accordance with AS 1428.4.
- (h) Where practicable, protective features should be installed to protect people with disability at intersection crossing points. Protective features are to be as close to invisible as possible.
- (i) Ramps are to be finished in slip resistant materials and/or surfaces.
- (j) Kerb ramps are to be provided from the footpath to the road at all intersections and through traffic islands where practicable.
- (k) Kerb ramps are to be flush with the footpaths and roadways avoiding any threshold lip or ridges.
- (l) Tactile surfaces are to be installed where necessary to indicate a kerb ramp for people with low vision.
- (m) Kerb ramps should be deigned and positioned to face the intended direction of travel. Where necessary, dual kerb ramps are to be installed rather than a single offset ramp.

5.7 Outdoor Areas – Including Parks

5.7.1 Objectives

- (a) Provide outdoor spaces that are designed to be accessed and utilised by people of all abilities throughout the community.

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5.7.2 Controls

1. In certain circumstances, where there is an elevation change across a large enough site, landform modification may be considered where site conditions permit, to offset the need to install dedicated ramps and landings. All gradients will need to be demonstrated on plan and are to comply with the National Construction Code and Australian Standards.
2. Public outdoor areas should include continuous accessible paths of travel. Continuous accessible paths of travel should connect designated accessible parking spaces to entrances and facilities within public spaces. Facilities include toilets, change rooms, barbecues, activity areas, playgrounds and tables and seats.
3. Should onsite parking be provided, designated accessible car parking should be provided as close as possible to the entry.
4. Continuous accessible pathways should have a minimum width of 1000mm and feature contrasting coloured edges.
5. Surfaces of continuous accessible pathways should be of a non-slip finish.
6. Where items are connected to an accessible pathway, contrasting edges colour should be used around facilities, equipment and furniture.
7. All signage is to be at the appropriate height and location. Additionally, TGSIs are to be used where necessary to warn of hazards.
8. All facilities are to be constructed to provide access to or enable their use by people with disability.
9. Street furniture should be positioned at least 500 mm from any accessible path of travel throughfare.

5.8 Adaptable Housing

5.8.1 Objectives

- (a) Provide housing that can be modified to suit the changing access needs of occupants and their visitors across their lifetime.
- (b) Provide visitable housing to maintain and connect the community, enabling friends and family to visit occupants within their home.

5.8.2 Controls

1. Adaptable housing is to comply with AS 4299 and is a dwellings unit designed in such a way that can later be modified to become accessible to occupants and visitors with disabilities or limitations through ageing.
2. Adaptable housing is to consider site access, building location, landscaping, security, carparking, and signage. This includes design considerations for floor levels, entrances, doorways, circulation spaces, kitchens, bathrooms, living areas, laundries, lighting and fixture and fittings.
3. Adaptable housing is to provide visitors with a continuous path of accessible travel from the property frontage or carparking area to the living area and toilet facility within the building.
4. Dwellings are to be visitable at a rate of 80% in developments requiring adaptable housing.
5. Adaptable housing units are to be constructed to meet the performance requirements and are to include the essential features as required by AS 4299. Council requires within mixed use and multi dwelling housing which incorporate 6 or more dwellings, 10% of all dwellings (or at least 1 dwelling) be designed as adaptable housing units.

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6. Detailed plans should be submitted which describe and demonstrate pre-adaptation and post adaptation, to gain approval for adaptable housing units. Council requires development applications that include adaptable housing to be accompanied by certification from a suitably qualified and experience Access Consultant. The consultant is to confirm that the adaptable housing is capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS4299).
7. Adaptable housing to be equitably distributed throughout all types and sizes of dwelling units.
8. Access to adaptable housing is to comply with AS1428.1 and AS1428.2. This includes access to at least one type of each common facility or service provided within the development.
9. Adaptable housing is to be provided in convenient locations that are close to facilities such as public transport, common facilities and public services wherever possible. Within a development they should be located along the accessible path of travel and ideally, close to the main entrance of the building.
10. Bathrooms should be large enough to allow for wheelchair access and manoeuvring. A wheelchair accessible shower should be provided, and hand washing basins and shelving should be at a height that allows for people in a seating or standing position.
11. Laundries should be large enough to allow for wheelchair access and circulation around appliances. Washing machines and dryers should be front loading.
12. Kitchens should be of a flexible design so that modifications can occur as needed. Cupboards, pantries and shelf heights should be adjusted to allow for easy reach.
13. Flooring should be timber rather than carpet. If carpet is used, it should be low in pile and with no underlay. Nonslip tiles should be used in bathrooms.
14. Walls along trafficable areas should be reinforced, this includes along travel paths, bathrooms and in bedrooms where the installation of grab rails is to occur.
15. Windows should be operable with one hand.
16. In mixed use development adaptable housing is to achieve the Silver Standards of the Livable Housing Design Guidelines (Livable Housing Australia 2015).

Note: Class 1a dwellings are not applicable to this part; however, Council encourages including adaptable housing design features to limit the cost of retro fitting existing dwellings at a later time.

5.9 Livable Housing (Silver level)

5.9.1 Objectives

- (a) Provide key structural and spatial elements that are critical to ensure future flexibility and adaptability of a home.
- (b) Provide housing that accommodates for a wide range of occupants.
- (c) Avoid later costs associated with retrofitting existing homes.

Note: the guidelines for silver, gold and platinum Livable Housing can be downloaded from the Livable Housing Australia website https://livablehousingaustralia.org.au/wp-content/uploads/2021/02/SLLHA_GuidelinesJuly2017FINAL4.pdf

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5.9.2 Controls

1. In a development that requires adaptable housing, 20% of the total proposed apartments are to incorporate the Livable Housing Design Guideline's silver level features (planned adaptable housing in a proposed development will contribute to the 20% liveable housing requirement).

Note: Should the required rate and standard of liveable housing be amended under the National Construction Code, developers are to apply the rate whichever is highest.

2. A safe continuous accessible path of travel, that is step free, be provided from the street entrance and / or parking area to a dwelling entrance that is level.
3. As a minimum one, level (step free) entrance is provided to the dwelling.
4. Internal doors and corridors should facilitate comfortable and unimpeded movement between spaces.
5. A toilet is to be provided on the ground (or entry) level, which is easily accessible.
6. A bathroom that contains a hobless shower recess.
7. Walls around the toilet, shower and bath should be reinforced to support the safe installation of grabrails.
8. Stairways should be designed to reduce the likelihood of injury and enable future adaptation.

5.10 Access to Heritage buildings

5.10.1 Objectives

- (a) Provide access to heritage buildings while limiting the impacts upon the significant fabric of the item, noting, applicable works to heritage buildings are still subject to the Premises Standards and does not preclude complaints under the DDA.

5.10.2 Controls

1. Designs should respect the principle that access to heritage buildings should be provided but not diminish the heritage significance of the building, curtilage or environment.
2. A heritage impact statement is to be provided as part of any development applicant seeking to alter the significant fabric of a heritage item. The heritage impact statement should be prepared by a suitably experienced and qualified heritage practitioner and identify the following points as a minimum:
 - Assess the significance of the place.
 - Identify and rank the significant elements.
 - Determine the existing and required levels of accessibility (this will generally require the input of an access expert).
 - Identify the potential impacts (both positive and negative) of providing access to the item.
 - Identify and assess the possible design alternatives.
 - Assess the heritage impact of the preferred design solution.
2. Discussions should be held with Council staff to strike a balance between these issues. Thus, development proposals involving heritage items will be assessed on a merit basis. However, the proposal should follow these basic principles:

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- (a) The provision of access for people to and within heritage items should have minimal impact on the significant fabric of the item and, as far as possible, be reversible.
- (b) Where such access is likely to have a major adverse impact on significant fabric, alternative solutions should be considered.
- (c) Alternate design solutions should demonstrate, following discussion with Council staff, that a balance has been reached between the issues of providing access and retaining heritage significance.

Note: An alternate design solution will only be acceptable as a 'last resort', and that every effort should be made to ensure that equitable access is provided through the principal public entrance of the building.

Moreover, where new works are likely to remove or have an irreversible impact upon the significant fabric of a heritage item this may constitute an argument of unjustifiable hardship. However, in doing so, it must be clearly established that there are no other suitable alternative solutions to provide access to the buildings. Applicants should note that the granting of consent by the consent authority to a development that is non-compliant with the BCA or this DCP due to heritage significance does not protect the applicant against a complaint being made against them under the DDA.

5.11 Access to Temporary Structures and During Temporary Events

5.11.1 Objectives

- (a) Provide access provisions for people with disability when planning events and festivals and when designing temporary structures.

5.11.2 Controls

1. Where a temporary festival or event is proposed:
 - (a) Access shall be provided where a place is proposed for use as a place of public entertainment or assembly. Where the event is to be held in an existing building access shall be provided to the greatest extent possible.
 - (b) Accessible sanitary facilities must be made available.
 - (c) Where a fire egress is an issue, consideration should also be given to preparing an emergency evacuation plan for people with disability.
2. Where a temporary structure is proposed:
 - (a) The structure should not reduce the existing level of accessibility.
 - (b) Where a fire egress is an issue, consideration should also be given to preparing an emergency evacuation plan for people with disability.
 - (c) If applicable, a continuous accessible path of travel should be incorporated to and within the temporary structure.

Note: for further information on planning inclusive events, refer to Council's Organise and Event webpage. Council's offers an events tool kit that includes an Accessible Events Checklist.

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5.12 Accessible Adult Change Facilities in Public Buildings

5.12.1 Objectives

- (a) Provide Accessible Adult Change Facilities (AACFs) and sanitary facilities with additional features that provide amenity and assist people with more profound and complex disability who are unable to use standards accessible facilities independently.
- (b) Provide AACFs in identified development types to provide a safe and clean environment for people who cannot use standard accessible toilets through the inclusion of specific features and equipment. Typical features within AACFs are adult-sized change table, hoist, larger circulation spaces including space for carers, peninsula-type toilet and moveable handrails.

5.12.2 Controls

1. Under the NCC the construction of AACFs will be required in the following public buildings:
 - (a) New or redeveloped shopping centres with a design occupancy greater than 3,500
 - (b) New museums, art galleries and theatres with a design occupancy greater than 1,500
 - (c) New strata with a design occupancy greater than 35,000
 - (d) New aquatic facilities with a main pool area perimeter exceeding 70 m, and
 - (e) All new redeveloped airports.
2. AACFs must be constructed in accordance with Specification F2.9 of the NCC and the BCA.
3. AACFs cannot be combined with another sanitary compartment

6 FURTHER RESOURCES

The following resources have been provided to further guide developers in how to provide access in a range of development types. It should be noted the list below is not exhaustive and that developers are recommended to explore other contemporary resources.

The Access Institute published an easy to understand guide that explains the rationale behind the mandatory Australian Standards for Access and Mobility, in the publication, "The 'Why's' of Access" (2019). The guide is a simple to understand resource that is intended to support people interpreting and applying the Australian Standards for Access. The 'Why's' of Access can be downloaded from: <https://accessinstitute.com.au/product/free-download-the-whys-of-access-handbook/>

Landcom has published a set of guidelines for stakeholders and industry which encourages a universal design approach and provides examples for new single and double storey housing. The universal housing design guidelines are available from:

<https://www.landcom.com.au/assets/Publications/Statement-of-Corporate-Intent/b999e51367/Universal-Housing-Design-Guidelines-July-2008.pdf>

Lendlease published the Design for Dignity Guidelines (2015) that was developed by Westpac Group in collaboration with The Australian Network on Disability. The guidelines provide principles for 'beyond compliance' accessibility in urban regeneration. The guidelines also provide more contemporary examples of how to provide access over the 2008, *The Good, the Bad and the Ugly – Design and Construction for Access* publication by the Australian Human Rights Commission. The Design for Dignity Guidelines is available from:

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https://www.and.org.au/data/Design_for_Dignity/Design_for_Dignity_Guidelines_Aug_2016.pdf

Livable Housing Australia have published the Livable Housing Design Guidelines. The guidelines provide advice and examples on how to achieve each level of liveable housing. The Livable Housing Design Guidelines are available from:

https://livablehousingaustralia.org.au/wp-content/uploads/2021/02/SLLHA_GuidelinesJuly2017FINAL4.pdf

The National Disability Insurance Scheme (NDIS) Specialist Disability Accommodation Design Standard (2019) is a publication that sets out the detailed design requirements to be incorporated into newly built Specialist Disability Accommodation under NDIS. Note: this document will be use in the enrolment and certification of Specialist Disability Accommodation and is available from:

<https://www.ndis.gov.au/providers/housing-and-living-supports-and-services/specialist-disability-accommodation/sda-design-standard>

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APPENDIX 1 – DESIGN EXAMPLES

All of these examples have been taken from *The Good, the Bad and the Ugly – Design and Construction for Access* publication, produced by Australian Human Rights Commission (April 2008), to assist developers in providing accessibility solutions. It is recommended developers seek the services of an access consultant when designing publicly accessible spaces, as the examples hereafter may have been updated since publication.

HANDRAILS



Figure 3: (Top left) Correct application of returning the handrail down and back onto itself to form 180° return onto a post. The handrails also provide clearances on the top 270° arc of the handrail and the 15mm directly under the handrail to allow for uninterrupted transition along the full length of the handrail for fingers and thumbs.

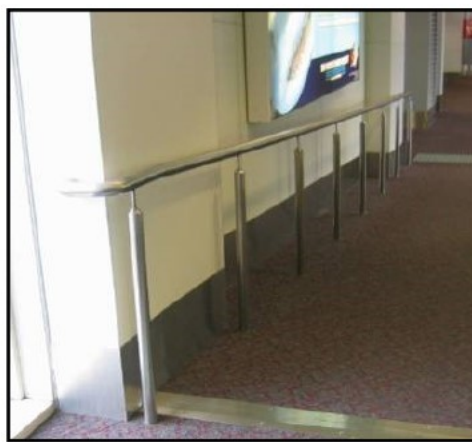


Figure 4: (Top right) Correct application of returning the handrail down and back onto itself to form 180° return onto a post. The handrails also provide clearances on the top 270° arc of the handrail and the 15mm directly under the handrail to allow for uninterrupted transition along the full length of the handrail for fingers and thumbs.

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Figure 5: (Top left) Handrails which do not comply with the specifications of AS1428.1 for handrails on stairs suitable for people with disability since the handrails fail to return to a side wall or downwards and back on themselves at 180°.

Figure 6: (Top right) Handrails which do not comply with the specifications of AS1428.1 for handrails on stairs suitable for people with disability since the handrails fail to return to a side wall or downwards and back on themselves at 180°.



Figure 7: (Top left) Correct return of the handrail to a side wall and the required 270° top arc clearance.

Figure 8: (Top right) Correct return of a handrail downwards and back on itself at 180°.

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STAIRWAY NOSINGS

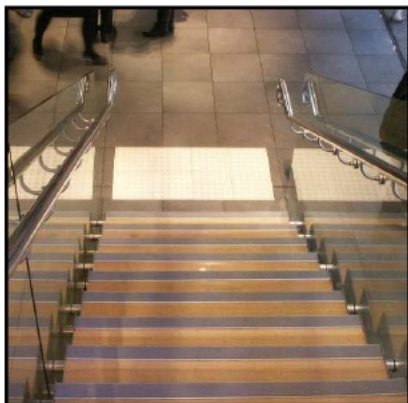


Figure 9: (Top left) The correct minimum luminance contrast and depth of treatment on the nosings of the treads / goings.



Figure 10: (Top right) The correct minimum luminance contrast and depth of treatment on the nosings of the treads / goings.

OPEN RISERS AND OVERHANGING TREADS ON STAIRWAYS



Figure 11: (Top left) Open risers and light sources coming from behind the stairway impact upon contrast and present a space for mobility aids to become unintentionally lodged.



Figure 12: (Top right) An enclosed stairway but has protruding lips which may cause problems for people by restricting leg movements and may also cause trip hazards.

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Figure 13: Correct enclosed opaque risers with no overhangs which meet the requirements of stairways suitable for people with disabilities, under AS1428.1.

LUMINANCE CONTRAST



Figure 14: (Top left) TGSIs which fail to comply with the specifications of AS 1428.4 since they fail to provide the required luminance contrast. Under AS1428.4, a minimum of 30% luminance contrast is required for TGSIs, compared to the surrounding floor/ground surface. These photographs also show other non-compliant features such as the handrails and the lack of colour contrasting nosings.

Figure 15: (Top right) TGSIs which fail to comply with the specifications of AS 1428.4 since they fail to provide the required luminance contrast. Under AS1428.4, a minimum of 30% luminance contrast is required for TGSIs, compared to the surrounding floor/ground surface. These photographs also show other non-compliant features such as the handrails and the lack of colour contrasting nosings.

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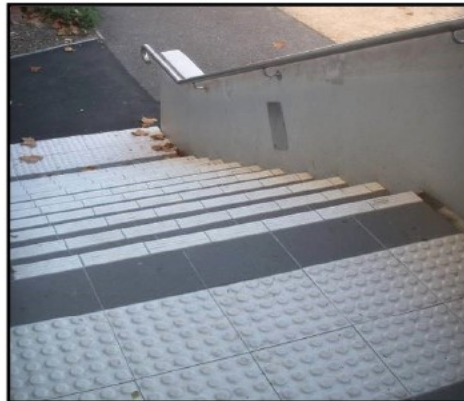
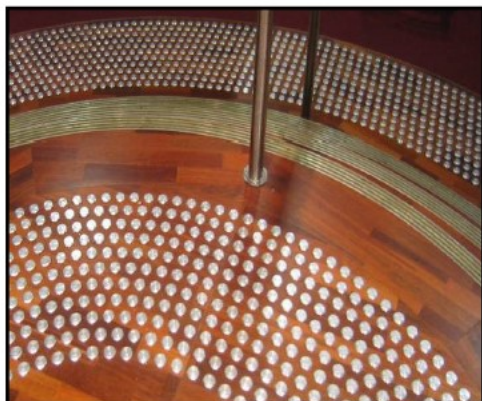


Figure 16: (Top left) TGSIs which have a high luminance contrast, as required by AS 1428.4. The photographs also show the correct setback from the top nosings of 300 +/- 10mm and the minimum depth of 600mm.

Figure 17: (Top right) TGSIs which have a high luminance contrast, as required by AS 1428.4. The photographs also show the correct setback from the top nosings of 300 +/- 10mm and the minimum depth of 600mm.

TACTILE GROUND SURFACE INDICATORS

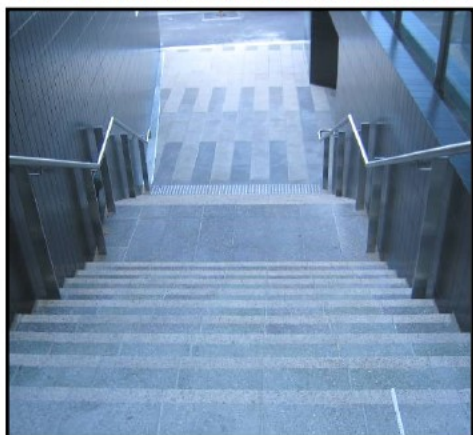


Figure 18: The correct interpretation of the requirements for TGSIs on an intermediate landing with no handrail break: there are no TGSIs on the landing.

DOOR THRESHOLDS

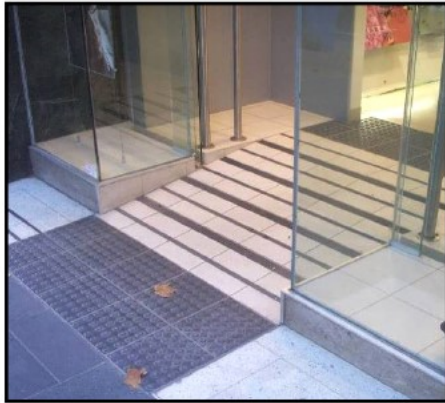


Figure 19: A threshold ramp with an automatic door into a retail premises which complies with the BCA and AS1428.1 (without the need for a landing area).

LIFTS



Figure 20: (Top left) Show call buttons which comply with the requirements of AS1735.12 in terms of their placement, luminance contrast application and raised tactile and Braille which are consistently placed adjacent to each button.

Figure 21: (Top right) Show call buttons which comply with the requirements of AS1735.12 in terms of their placement, luminance contrast application and raised tactile and Braille which are consistently placed adjacent to each button.

Part E – General Controls – Design Controls
 Chapter E1: Access for People with Disability

FLOOR SURFACES



Figure 22: (Top left) Very shiny and slippery floor surfaces which fail to meet the "R" rating, as required by AS4586 and HB197.

Figure 23: (Top right) Very shiny and slippery floor surfaces which fail to meet the "R" rating, as required by AS4586 and HB197.



Figure 24: (Top left) Show floor surfaces which meet the "R" rating under AS4586 and HB197.

Figure 25: (Top right) Show floor surfaces which meet the "R" rating under AS4586 and HB197.

HEIGHT AND DESIGN OF RECEPTION DESKS AND COUNTERS



Figure 26: (Top left) Reception counters which allow for a frontal approach with an adequate toe plate and knee space for a person using a wheelchair.

Figure 27: (Top right) Reception counters which allow for a frontal approach with an adequate toe plate and knee space for a person using a wheelchair.

ACCESSIBLE TOILET / WC FACILITIES



Figure 28: Correct placement of toilet and shower fittings as per the requirements of AS1428.1. Note: The toilet roll holders are placed below the grab rail, to ensure a person using a wheelchair is able to rise off the pan and transfer back onto their wheelchair unencumbered.

Part E – General Controls – Design Controls

Chapter E1: Access for People with Disability



Figure 29: The correct installation of a washbasin and other fittings, including a shelf as required by Table F2.4 of the BCA.



Figure 30: The incorrect placement of the toilet paper holder too far forward of the WC pan, which forces patrons to lean excessively forward to get to the paper. This can result in patrons falling off the pan in attempting to reach the toilet holder.

ITEM 3

PUBLIC EXHIBITION - DRAFT PLANNING PROPOSAL POLICY REVIEW AND REZONING
DISCUSSION PAPER SUBMISSION

The processing of Planning Proposals (including reclassification of Council land) resulting in the preparation of Local Environmental Plans is a core business activity for Council. On 7 May 2018, Council adopted a Planning Proposal Policy to guide the preparation and submission of Planning Proposal requests. Since the adoption of this Policy there have been a number of procedural changes introduced in the processing of Planning Proposals, including updated guidelines published by the NSW Department of Planning and Environment. This has required minor updates to Council's Planning Proposal Policy.

This report discusses the proposed updates to the current Policy and recommends that Council resolve to place an updated draft Planning Proposal Policy, Application Form and Checklist on public exhibition for community information and comment.

The Department of Planning and Environment is also exhibiting a Discussion Paper proposing to make significant changes to the processing of draft Planning Proposals. The report reviews the proposed changes and seeks Council's endorsement of a draft submission.

RECOMMENDATION

- 1 The updated draft Planning Proposal Policy, Application Form and Checklist (Attachment 1) be exhibited for a minimum period of 28 days for public comment.
- 2 A post exhibition report be prepared for Council's consideration.
- 3 The General Manager be authorised to finalise the draft submission on A New Approach to Rezoning - Discussion Paper (Attachment 2), to the NSW Department of Planning and Environment.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Proposed Updates to Planning Proposal Policy, Application Form and Checklist
- 2 Draft Submission on Discussion Paper

BACKGROUND

A Local Environmental Plan (LEP) is a legal document which guides development and land use within a particular Local Government Area. The LEP generally comprises a written document and accompanying maps and states whether development -

- Is permissible on the land.
- Is subject to specific restrictions, including controls on height, minimum land area, floor space, heritage, acid sulphate soils, flooding etc.
- Requires consent of Council.

LEPs are also used to reserve land for open space, schools, transport and other public purposes, as well as control advertising and protect vegetation. The *Environmental Planning and Assessment Act 1979* (EP&A Act), administered by the NSW Department of Planning and Environment (DPE), details the process for preparing, making and amending LEPs. All land, whether privately owned, leased or publicly owned, is subject to the controls set out in the relevant LEP (noting that some forms of development are guided by other policies). All principal LEPs are required to follow a standard template which is outlined in the Standard LEP Instrument.

Wollongong Local Environmental Plan 2009

The Wollongong Local Environmental Plan (LEP) 2009 applies to the majority of the City of Wollongong, with the exception of areas covered by the State Environmental Planning Policies (SEPPs). Land at McCauleys Beach at Thirroul and Calderwood is zoned under SEPP (State Significant Precincts) 2005 and development within the port of Port Kembla is controlled under the SEPP Policy (Three Ports) 2013.

The Wollongong LEP has been amended by Council through 49 amending LEPs and two map amendments. The LEP has also been amended 37 times by the DPE through changes to the Standard LEP instrument, SEPPs, Statute Law changes and by other Acts.

Planning Proposals

Council has the ability to amend the LEP as the need arises. The preferred approach is to prepare a draft Planning Proposal (LEP amendment) to implement the recommendations of an endorsed strategy. Council may also consider proponent requests for LEP amendments where such a change is warranted, via the Planning Proposal process.

Until October 2012 the consideration of a rezoning request was entirely at the discretion of Council, with no formal application process. In October 2012, the DPE introduced a "Pre-Gateway Review" process to enable proponents to appeal to the Department if Council refused their rezoning request or failed to make a decision within 90 days of lodgement of a Planning Proposal request.

A request to change the zoning, permitted land uses or development standards applicable to a parcel of land (height of buildings, minimum lot size for subdivision, floor space ratio etc) is a formal process that amends the statutory planning controls contained in the LEP. A request to amend the LEP is known as a Planning Proposal and is undertaken through the Gateway process under the NSW planning legislation. Council or a Government Agency can initiate a Planning Proposal based on a strategic direction or policy, or a land-owner may request Council to consider an amendment.

For non-Council initiated amendments to the LEP, an application needs to be made to Council in the form of a Planning Proposal Request which explains the intended effect of the proposed LEP amendment (change) and the reasons or justification for making it. The Planning Proposal request must include appropriate supporting material or investigations. Rezoning requests must be justified, having regard to Council's strategic plans and policies, regional policies and plans such as Illawarra Shoalhaven Regional Plan, Ministerial Directions and Orders, State Environmental Planning Policies and DPE's Plan Making Guidelines

A Planning Proposal request must be formally considered at a Council meeting and a Council resolution is required to prepare a draft Planning Proposal to change the zoning, permitted land uses or development standards applicable to a parcel of land. On 1 June 2018, the Local Planning Panels Direction under section 9.1 of the *Environmental Planning and Assessment Act 1979* came into force for Planning Proposals in the Greater Sydney Region and Wollongong. Subsequently Wingecarribee and the Central Coast Councils were added to the Direction. Prior to reporting to Council, the draft Planning Proposal must be referred to the Wollongong Local Planning Panel for independent advice on strategic and site-specific merit. The Panel's advice is reported to Council.

If supported by Council, the draft Planning Proposal is then referred to DPE to go through the Gateway Determination process. At the Gateway Determination stage, the Department will decide whether the proposal has merit and is justified on planning grounds, whether further technical studies must be undertaken, and the consultation required.

Any proposed amendment to the LEP requires community consultation, such as public exhibition or in the case of a reclassification of land, a public hearing. During the exhibition period relevant Council Reference Groups or Advisory Committees will be given the opportunity to provide comment on any Planning Proposal request. Following the exhibition, Council considers the issues raised in submissions and determines whether to finalise the Planning Proposal. If supported, the Planning Proposal is forwarded to the NSW Parliamentary Counsel Office for the preparation of the amending LEP, which is the legal instrument. With the Minister's or delegate's approval the amending LEP becomes law and is notified on the NSW Legislation website, and the Wollongong LEP 2009 is amended.

Council is currently processing 10 Planning Proposals, which are at different stages in the process –

Table 1: Current Planning Proposals

Stage (as per DPE's 2021 Guideline stages discussed later)	Number
1 Pre-lodgement	(not counted)
2 Lodgement, incorporating initial assessment, Wollongong Local Planning Panel and Council report	3
3 With DPE for a Gateway determination	1
4 Post Gateway / pre-exhibition (additional information or agency consultation)	3
5 Exhibition (minimum 28 days)	0
Review of submissions / Assessment and post exhibition Council report	2
6 Finalisation (Review by DPE, LEP drafting by Parliamentary Counsel Office and final approval by the Minister or delegate (DPE officer or General Manager)	1

Planning Proposal Policy

On 7 May 2018 Council adopted a Planning Proposal Policy to inform the community about the Planning Proposal process, guide the preparation and submission of Planning Proposal requests and improve the efficiency of assessment.

The objectives of Council's Planning Proposal Policy are to -

- Explain the purpose of a Planning Proposal and the steps in the Planning Proposal process.
- Communicate that applications to rezone land or change development standards or permitted uses are generally not encouraged by Council and should only be submitted in certain circumstances.
- Prioritise the processing of Planning Proposal requests to ensure those providing the greatest public benefit are given preference over those serving individual interest or are of limited benefit to the greater Wollongong community.
- Make applicants aware that some areas in the local government area will have Council and/or State endorsed Strategies, Masterplans or Concept Plans requiring that a Planning Proposal request address certain criterion, for example, the demonstration of an improved environmental outcome associated with development.
- Ensure the Planning Proposal is prepared in accordance with the *Environmental Planning and Assessment Act 1979* and relevant DPE guidelines and specify the information to be submitted in a Planning Proposal request.
- Ensure transparency in Council's decision-making functions, by referring any application which is made by a Council employee/Councillor and/or their immediate relative/s, to an independent consultant for assessment.
- Clarify the role of Council Reference Groups or Advisory Committees.
- Advise the applicant of the fees applicable to an application and the risks of submitting a Planning Proposal request.

At the time of adoption, it was envisaged that the Policy would need to be updated periodically to reflect the outcome of studies and policy and strategy development.

PROPOSAL

Since the adoption of Council's Planning Proposal Policy there have been a number of procedural changes introduced in the processing of Planning Proposals, including updated guidelines published on

15 December 2021 by the DPE. These changes have resulted in the need to make revisions to Council's Planning Proposal Policy.

Following are the key changes that have occurred since Council adopted the Planning Proposal Policy on 7 May 2018 that now require updates to the Policy -

- 1 **Introduction of Wollongong Local Planning Panel requirement:** From 1 June 2018 the Local Planning Panels Direction under section 9.1 of the *Environmental Planning and Assessment Act 1979* came into force for Planning Proposals in the Greater Sydney Region and Wollongong. Prior to reporting to Council, all draft Planning Proposals must be referred to the Wollongong Local Planning Panel for independent advice on strategic and site-specific merit. The advice is reported to Council for consideration.
- 2 **Council adopted the Wollongong Local Strategic Planning Statement (LSPS) 2020:** In June 2020 Council adopted the LSPS to provide a 20-year land use planning vision for the LGA. The LSPS has drawn on the many existing strategies and plans developed, exhibited and adopted by Council, and additionally outlines how Council will continue to implement the actions contained in the Illawarra Shoalhaven Regional Plan and other State Government policy documents. Planning Proposals need to demonstrate strategic merit and consistency with Council's vision for the LGA. It is planned to review the LSPS in this term of Council.
- 3 **Introduction of Planning Portal requirement:** From July 2022, all proponent led Planning Proposal requests are to be submitted and processed through the DPE Planning Portal. The Planning Portal registers and tracks Planning Proposals. The Portal also standardises the referral process to State agencies.

Currently Council officers lodge the submitted Planning Proposal requests and accompanying reports and documents on the Planning Portal which is time consuming. The Planning Proposal Policy has been updated to include this requirement and pre-empt the July 2022 commencement. Proponents will also be required to lodge a digital copy of all documents with Council, for Council's record system.

- 4 **Minister's expectations / the Environmental Planning and Assessment (Statement of Expectations) Order 2021:** On 26 November 2021 the Minister for Planning signed an Order which commenced on 15 December 2021 outlining performance indicators for the assessment of Planning Proposals. It includes a requirement that Council has 90 days to make a decision as to whether to support or not support a proponent led Planning Proposal (rezoning) and submit it for a Gateway determination if supported. The implications of the Order are discussed below - assessment of Planning Proposal requests (stage 2).
- 5 **Ministerial Directions:** On 2 December 2021 the Minister for Planning released new section 9.1 Ministerial Directions, which commence on 1 March 2022. The Directions align with the Minister's Planning Principles and the new consolidated SEPP framework, also released on 2 December 2021. The Directions are a matter for proponents and Council to consider in the preparation and assessment of Planning Proposals. Similar to the current practice proponents will be required to address consistency with the Directions or justify inconsistency with supporting information.
- 6 **Environmental Planning and Assessment Regulations 2021.** On 1 March 2022, new Regulations to support the *Environmental Planning and Assessment Act 1979* commence. The Regulations are largely a tidy-up/re-ordering/re-numbering of the 2000 Regulations which was amended many times. The new Regulations does not change the Planning Proposal process.
- 7 **Draft Design and Place SEPP and draft Ministerial Direction:** On 10 December 2021 the draft Design and Place SEPP commenced exhibition. The draft SEPP is accompanied by a draft section 9.1 Ministerial Direction that requires Planning Proposals on land greater than 1 hectare in area and within -
 - an existing or proposed residential, commercial, mixed use or industrial zone, or
 - any other zone in which residential development is permitted or proposed to be permitted.

demonstrate consistency with the design principles and design considerations of the SEPP; be consistent with the objectives of the Urban Design Guide; demonstrate how it responds to Country; and be referred to a Design Review Panel for advice.

Currently there is no requirement to refer draft Planning Proposal requests to the Design Review Panel, although Council officers have referred certain draft Planning Proposals to Council's Design Review Panel. Referring additional draft Planning Proposals to the Panel will need to be incorporated into the process and fee structure. The draft SEPP is on exhibition until 28 February 2022 and Council officers will be making a submission.

- 8 **NSW DPE's Local Environmental Plan Making Guideline (2021):** On 15 December 2021 these Guidelines commenced as part of the Planning Reform Action Plan. The Guidelines replaced the "Guide to preparing planning proposals" and "Guide to making LEPs". The aim of the Guidelines is to support improved assessment, coordination, and engagement in the LEP making process and help reduce assessment time frames. The Guidelines classify Planning Proposals into the following four different categories, with benchmark assessment and determination timeframes and minimum information requirements established for each –

Table 2: Planning Proposal Benchmark Timeframes

Stage	Maximum Benchmark Timeframes (working days)			
	Basic	Standard	Complex	Principal
Stage 1 – Pre-lodgement	30 days	50 days	60 days	20-30 days
Stage 2 – Planning Proposal	80 days	95 days	120 days	40 days
Stage 3 – Gateway determination	25 days	25 days	45 days	45 days
Stage 4 – Post-Gateway	20 days	50 days	70 days	160 days
Stage 5 – Public Exhibition & Assessment	70 days	95 days	115 days	95 days
Stage 6 - Finalisation	25 days	55 days	70 days	80 days
Sub-total (Department target)	140 working days	225 working days	300 working days	380 working days
Total (end to end)	220 days	320 days	420 days	420 days

Note: Department target of 380 working days is measured from Stage 3 – Stage 6 (inclusive)

The Guideline's place a lot of emphasis on the pre-lodgement stage (stage 1) to discuss the request and complete supporting documentation prior to lodgement. Council's Planning Proposal Policy currently encourages pre-lodgement meetings (stage 1), and the majority of proponent led Planning Proposal requests currently have a pre-lodgement stage that occurs over 2-3 months. The Department's aim is that a focus on information provision and sharing upfront prior to lodgement, will speed up the rest of the assessment process. The Planning Portal allows Council officers to reject a Planning Proposal request within 14 days if it is not accompanied by the required information. This is known as the adequacy assessment and determines if the information lodged is adequate to undertake an assessment. It is not a merit assessment of the request.

Currently the majority of Planning Proposal requests take 6 months between lodgement and reporting to Council (stage 2). This includes any preliminary notification to the community and relevant State agencies, requests for additional information, reporting to the Wollongong Local Planning Panel and Councillor briefing. The benchmark of 80-120 days, plus the Minister's

expectations of a 90-day reporting timeframe and Statement of Expectations Order, necessitates significant change in how Council officers will manage future Planning Proposal requests, including -

- Council's assessment will be based upon the submitted information - Council officers may not request additional information or clarification in order to meet the reporting timeframes.
- Planning Proposal requests will be reported "as lodged" to both the Wollongong Local Planning Panel and subsequently Council. Requests will no longer have repeated opportunities to amend the form and content of a proposal to make it suitable for Council's consideration. It is likely that more requests will be recommended for refusal because they are incomplete or inconsistent with strategies or lack merit.
- Any preliminary community consultation will need to commence within a week of lodgement and a revised non-statutory consultation period may be required. This will not suit State Agency timeframes, or many community organisations that meet monthly. It could also occur over school holidays, which is inconsistency with Council's Community Participation Plan. The alternate option of removing preliminary consultation is not supported, as nearby residents and the community will not be informed of potential changes in their area or be enabled to provide early input, until a matter is reported to Council.

The Gateway Determination process (stage 3) is undertaken by DPE and the nominated benchmark timeframes are generally met.

The timeframes for the submission of Post-Gateway (stage 4) information from proponents can take longer than the nominated timeframes. Similarly, the requirement to consult with nominated State agencies prior to exhibition can take longer than the timeframes listed.

The Guidelines merge the exhibition and post exhibition assessment into stage 5. Council officers have previously considered these as separate steps in the process. In accordance with the Community Participation Plan, Council generally exhibits draft Planning Proposals for a minimum of 28 days, although typically exhibition periods are longer to account for complexity of the proposal, or school holidays. Council's Community Participation Plan indicates that exhibitions cannot commence or end during school holidays. Draft Planning Proposals involving the reclassification of Council land also require a public hearing to be held.

The post exhibition assessment of submissions, seeking additional information from the proponent to address issues raised in submissions and reporting to Council is typically longer than 3 months (stage 5).

If supported by Council, the finalisation of a Planning Proposal is either undertaken by Council under delegation or DPE. Regardless, the Planning Proposals, including required map changes, are reviewed by the DPE's mapping team, and the LEP instrument is drafted by the NSW Parliamentary Counsel's Office. Council has no control over the time taken by these organisations.

Other proposed changes to Council's Planning Proposal Policy -

- Any draft Planning Proposal seeking to rezone to residential or uplift the density of residential land, is to include a report detailing the residual land value of the site under both the existing and proposed planning controls. This is to assess the "uplift" to enable an Affordable Housing contribution to be determined if and when required.
- Council's Website – each Planning Proposal request has its own webpage on Council's website, for the life of the project. All submitted information will be available for the community to view, throughout the Planning Proposal process. If additional information is lodged it will also be published. Recently there was a request to remove additional submitted information from the website because it was not mentioned in the Policy. The proposed amendment to the Policy will clarify this situation.

The proposed updates to the Planning Proposal Policy and accompanying Application Form and Checklist in recognition of the above changes are included as Attachment 1. It is proposed that the revised draft Planning Proposal Policy be exhibited for a minimum period of 28 days.

Further amendments to the Planning Proposal Policy may be required at a future time pending any legislative change prompted by the new approach to rezoning currently being considered by DPE.

A New Approach to Rezoning - Discussion Paper

In December 2021, the DPE also published a Discussion Paper proposing significant changes to how Planning Proposals are assessed and Council involvement. The Discussion Paper proposes to rename “Planning Proposals” to be “Rezoning Applications”, as it is a general recognised term, even though some Planning Proposals don’t involve rezoning of land. The proposed outlined process is similar to a Development Assessment process, where the Council’s decision to support a Planning Proposal or not is made at the end, following exhibition and assessment. Council would no longer determine whether to support a draft Planning Proposal request for a Gateway determination and exhibition.

The suggested process is -

- 1 Scoping / pre-lodgement
- 2 Lodgement and adequacy assessment (not merit assessment)
- 3 Exhibition
- 4 Post exhibition
- 5 Assessment and finalisation, including Council report on whether the rezoning proposal should be supported.

Council officers have concerns regarding elements of the proposed new process including -

- The removal of Council’s initial consideration of Planning Proposals is not supported. It is likely to lead to more speculative requests for changes to the LEP which would need to be processed, exhibited and then reported to Council at the end of the process. It will require the commitment of resources and community engagement before there is any indication of support and may also result in more appeals.
- The Discussion Paper discusses appeal options, including review by the Land & Environment Court or Independent Planning Commission. The Land & Environment Court’s role is to assess appeals against the planning rules not to determine planning policy. Local Government has been able to determine local planning policy since 1945 when the *Local Government Act 1919* was amended by the *Town and Country Planning Amendment Act*. The introduction of Land and Environment Court Appeal rights is not supported.
- The Gateway step (DPE review) is proposed to be removed. While some review of the roles and responsibilities of DPE is appropriate, the removal of any oversight by the Department may result in inconsistency and uncertainty in the process.

The attached draft submission provides further detail on the Discussion Paper. It is recommended that Council endorse the draft submission for finalisation by the General Manager, incorporating any comments of Councillors.

CONSULTATION AND COMMUNICATION

Should Council resolve to endorse the updated draft Planning Proposal Policy it will be placed on public exhibition for a minimum period of 28 days to enable community input and feedback. All submissions will be reviewed, and any post exhibition amendments will be reported to a future Council meeting for adoption.

Over the last few months there has been a significant amount of planning policy reform finalised or exhibited by the DPE. Many members of the community would not be aware of the reforms that have been made or that are proposed by the State.

Council officers will continue to engage with DPE in relation to the proposed reforms included in *A New Approach to Rezoning – Discussion Paper*.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2028 Objective *“The Sustainability of our urban environment is improved”* under the Community Goal *“We value and protect our environment”*. It specifically delivers on the following -

Community Strategic Plan Strategy	Delivery Program 2018-2022 4 Year Action	Operational Plan 2021-22 Operational Plan Actions
Manage land uses to strengthen urban areas	1.3.1 Impacts from development on the environment are assessed, monitored and mitigated	1.3.1.2.3 Prepare for the introduction and implementation of the New South Wales State Government Planning Reforms

CONCLUSION

The Planning Proposal Policy is required to inform the community about the Planning Proposal process, guide applicants and improve the efficiency of assessment. It is recommended that Council resolve to endorse the draft updated Planning Proposal Policy and accompanying Application Form and Checklist for public exhibition for a minimum period of 28 days.

It is also recommended that Council resolve that the attached submission on the “A New Approach to Rezoning - Discussion Paper” be finalised and submitted to the NSW Department of Planning and Environment.

PLANNING PROPOSAL POLICY

COUNCIL POLICY



ADOPTED BY COUNCIL: XXX

DRAFT FEBRUARY 2022

BACKGROUND

This policy has been developed in order to guide the preparation and submission of Planning Proposal requests.

A Local Environmental Plan (LEP) is a legal document which guides development and land use within a particular Local Government Area. The LEP generally comprises a written document and accompanying maps and states whether development:

- Is permissible on the land;
- Is subject to specific restrictions, including controls on height, minimum land area, floor space, heritage, acid sulphate soils, flooding etc;
- Requires consent of Council.

LEPs are also used to reserve land for open space, schools, transport and other public purposes, as well as control advertising and protect vegetation. The law outlining the process for making a LEP is the *Environmental Planning and Assessment Act 1979 (the EP&A Act)*, administered by the NSW Department of Planning and Environment (DPE). The majority of land within the Wollongong Local Government Area, whether privately owned, leased or publicly owned, is subject to the controls set out in the relevant LEP, typically the Wollongong LEP 2009. Three precincts are controlled under State Environmental Planning Policies (SEPPs) - land at McCauleys Beach, Thirroul and Calderwood is zoned under State Environmental Planning Policy (State Significant Precincts) 2005 and development within the port of Port Kembla is controlled under the State Environmental Planning Policy (Three Ports) 2013.

Council has the ability to amend the Wollongong LEP 2009 as the need arises. Regular reviews of the LEP occur to implement policy changes that have been guided by the adoption of strategies which have been prepared and exhibited, and it the preferred approach. However, Council may also consider requests for LEP amendments where such a change is warranted, via the planning proposal process.

A request to change the zoning, permitted land uses or development standards applicable to a parcel of land (height of buildings, minimum lot size for subdivision, floor space ratio etc) is a formal process that amends the statutory planning controls contained in the Local Environmental Plan.

OBJECTIVES

The main objectives of this policy are to outline –

- What is a planning proposal and what is its purpose;
- The steps in the planning proposal process;
- Consideration of planning proposal requests;
- Information to be submitted in a planning proposal request; and
- The fees applicable to a planning proposal.

POLICY STATEMENT

This policy aims to inform the community about the Planning Proposal process, guide applicants and improve the efficiency of assessment.

PLANNING PROPOSAL POLICY

COUNCIL POLICY

POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.

STATEMENT OF PROCEDURES

Amending a LEP – Planning Proposal Request

A request to amend the zoning of land, the development standards applying to land, or the permitted land uses is known as a planning proposal and is undertaken through the Gateway process under the NSW planning legislation. Council or a Government agency can initiate a planning proposal based on a strategic direction or policy, or a land owner may request Council to consider the preparation of an amendment.

To amend an existing LEP, an application needs to be made to Council in the form of a **“Planning Proposal Request”**. The Planning Proposal Request explains the intended effect of the proposed LEP amendment (change) and the reasons or justification for making it. The planning proposal request must include appropriate supporting material or investigations. The preparation of a planning proposal is the first step in the process of amending a LEP.

Rezoning requests must be justified, having regard to Council’s strategic plans and policies, and the NSW Department of Planning and Environment’s Regional Strategy, the *Illawarra Shoalhaven Regional Plan 2041*. A draft Planning Proposal request must be referred to the Wollongong Local Planning Panel for advice prior to being formally considered at a Council meeting. Council officers prepare reports to the Wollongong Local Planning Panel and Council on the merits of the proposal, noting that the Environmental Planning and Assessment (Statement of Expectations) Order 2021 outlines performance indicators for the assessment of Planning Proposals, as well as strategic planning obligations.

Planning Proposal requests are also required to be lodged on the NSW Planning Portal. Council officers will undertake an adequacy assessment within 14 days. Requests that are inconsistent with endorsed strategies, are incomplete will not be accepted. This is not a merit assessment on the request.

Once lodged and accepted, preliminary consultation may be undertaken to inform the preparation of the report, depending on the complexity of the proposal. An exhibition webpage will be prepared for each Planning Proposal request. Any additional studies or supporting information lodged subsequently during the process, will be made available on the webpage.

A Council resolution is required to support an application to change the zoning, permitted land uses or development standards applicable to a parcel of land. It should be noted, however, that a Council resolution to prepare a planning proposal or an amendment to the LEP does not necessarily guarantee that the proposed amendment will proceed.

If supported by Council, the draft planning proposal is then referred to the NSW Department of Planning to go through the *Gateway determination process*. The “Gateway” process allows a planning proposal to be reviewed at an early stage to make a decision whether to proceed further. At the Gateway determination, the Department of Planning will decide whether the proposal has merit and is justified on planning grounds, whether further technical studies must be undertaken, and the consultation required. Any proposed amendment to the LEP requires community consultation, such as public exhibition or in the case of a reclassification of land, a public hearing. During the exhibition period, relevant Council Reference Groups or Advisory Committees will provide comment on relevant Planning Proposal requests.

Following exhibition, Council considers a report on submissions and should the resolution be to finalise the Planning Proposal, Parliamentary Counsel then prepares the amending LEP – the legal instrument. With the Minister’s (or delegates) approval the amending LEP becomes law and is notified on the NSW Legislation website.

It should be noted that an Independent Planning Panel may also act as the local planning authority when directed by the Minister.

The proponent and those making submissions are advised of Council report dates and resolutions through the process and given the opportunity to address Councillors at Council meetings through the Public Access Forum.

https://wollongong.nsw.gov.au/data/assets/pdf_file/0020/43409/Public-Access-Forum-Application.pdf

Should Council initially resolve not to support a planning proposal request, the proponent can request an independent review of Council’s decision through the “Rezoning Review” mechanism.

An *online tracking system* is available for any person to follow the progress of a Planning Proposal once it has been

PLANNING PROPOSAL POLICY

COUNCIL POLICY

submitted to the Department of Planning Portal.

Consideration of Planning Proposal Requests

Applications to rezone land or change development standards or permitted uses are generally not encouraged by Council and should only be submitted in the following circumstances:

- Where land cannot be reasonably developed or used under the existing zoning or controls;
- Where it is necessary to correct an error or anomaly (eg mapping);
- Where there is a sound strategic argument for an amendment, based on consistency with Council's Strategic Plan, the Regional Strategy, Council's Local Strategic Planning Statement, or similar strategy or policy;
- Where the proposed amendment is considered to be minor in nature and has merit, and has been sufficiently justified;
- Where development of land in accordance with the existing zoning would not be in the public interest.

The following Planning Proposal requests will generally not be supported by Council:

- requests that are not supported by an endorsed local or regional strategy, plan or policy and are considered speculative;
- the rezoning of single properties to increase housing density;
- increasing housing in the Illawarra Escarpment, except where implementing an adopted strategy;
- permitting housing within **C2** Environmental Conservation and **C3** Environmental Management zoned land;
- increasing residential density in medium and high flood hazard areas (ie within the 1% AEP flood level);
- proposing the loss of employment land; and
- proposing the linear expansion of town centres.

It is necessary to prioritise the processing of planning proposal requests to ensure those providing the greatest public benefit are given preference over those serving individual interest or are of limited benefit to the greater Wollongong community. As a guide, the following would be given priority:

- Contributes to economic growth and promotes sustainable practice;
- Significant employment generating development;
- Provision of high quality, appropriately located housing accessible to the broader and lower income community;
- Education, medical or community facilities and services;
- Commercial or retail development in accordance with an adopted Council or State Government strategy;
- Preservation and conservation of the environment;
- Reducing an identified conflict between incompatible land uses;
- Improving tourism opportunities; and
- Implementing endorsed Council Strategies or Concept Plans (eg West Dapto Amendments).

Some areas will have Strategies, Masterplans or Concept Plans requiring that a Planning Proposal request to address certain criteria, for example the demonstration of an improved environmental outcome associated with proposed development.

Proponents are strongly advised to discuss any request with a Council officer from the Land Use Planning team prior to formally lodging a planning proposal and incurring the associated costs. It is also recommended that consultation with surrounding residents be undertaken to inform the preparation of the Planning Proposal request.

Planning Proposal Request: Information to be submitted

A Planning Proposal must be prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and relevant Department of Planning and Environment's guidelines including the "**Local Environmental Plan Making Guideline**" (2021).

Section 3.33 of the Act outlines that a planning proposal must include the following components:

- (a) A **statement** of objectives or intended outcomes of the proposal.

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- (b) An **explanation** of the provisions of the proposal.
- (c) A **justification** for those objectives and outcomes, including how it is to be implemented – details on why Council should support the change in zoning or development standards and compliance with relevant directions under Section 9.1
- (d) **Maps** containing the appropriate detail are to be submitted, including site map; land use zonings; land constraints such as flood risk, bushfire, heritage areas etc.
- (e) Details of the **community consultation** to be undertaken.

The Planning Proposal is structured as a number of statements and questions which must be responded to with accurate, current and sufficient information to allow assessment of the proposal by Council officers, Councillors and the Department of Planning and Environment.

The Planning Proposal must contain sufficient detail to demonstrate that relevant environmental, social, economic and other site specific matters have been identified and if necessary that any issues can be addressed with additional information and/or through consultation with agencies and the community. The level of detail required in a Planning Proposal should be proportionate to the complexity of the proposed amendment, recognising that a Planning Proposal must provide enough information to determine whether there is strategic merit in the proposed amendment and to demonstrate compliance with relevant statutory considerations.

A Planning Proposal request may be accompanied by a proposal to enter into a Planning Agreement under Section 7.4 of the EP&A Act under which a material public benefit will be provided. Council's policy on Planning Agreements sets out Council's approach to the use of Planning Agreements through negotiation when considering planning proposals.

In order for Council officers, Councillors and the Department of Planning and Environment to ascertain the appropriateness of the Planning Proposal, the constraints on site must be identified, and any proposed development on site will need to have consideration to these constraints. Any proposed intensification of land use will require identification of any environmental and physical constraints such as flood affectation, land stability, contamination, natural environment, bush fire, heritage and scenic landscape considerations. The proposed impacts on traffic and transport, town services and infrastructure also require consideration.

Where the Planning Proposal is seeking to rezone to residential or uplift the density of residential land, the application is to be accompanied by a residual land value of the site under both the existing and proposed planning controls. This is to assess the "uplift" to enable an Affordable Housing contribution to be determined.

The following is required to be lodged as part of any planning proposal request:

- 1 Justification for the planning proposal, including:
 - a The need for the Planning Proposal;
 - b Relationship to strategic framework – how is the planning proposal consistent with legislation and statutory requirements such as section 9.1 Directions and State Environmental Planning Policies (SEPPs), regional strategies and Council endorsed policies, strategies and locality Concept Plans (eg Council's Community Strategic Plan and Local Strategic Planning Statement);
 - c The context of the planning proposal – if the planning proposal implements the outcomes of a strategic study or report (a copy of the study or report to be submitted with the planning proposal request); and
 - d Potential economic, social and environmental impacts of the planning proposal and how they are proposed to be managed – positive and negative impacts should be identified, including proposed methods of amelioration where negative impacts are likely.
- 2 Appropriate supporting technical studies completed by suitably qualified experts to demonstrate the capacity of the land, concept diagrams, preliminary plans and illustrative maps. The level of detail will be proportionate to the impact the planning proposal is likely to have. This may include (but is not limited to) the following technical issues/considerations:
 - a Environmental – flora and fauna, bush fire, flooding, stormwater, riparian, geotechnical, coastal, contamination;
 - b Traffic and transport;
 - c Urban design;
 - d Aboriginal and Industrial Heritage;
 - e Consistency with Council Strategy or Concept Plan;

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- f Economic;
- g Social and cultural, including the preparation of an Aboriginal Cultural Heritage "Due Diligence" Assessment;
- h Infrastructure and servicing; and
- i Visual impact.

NB The Gateway determination may require additional information.

- 3 The completed Planning Proposal *Application Form and Checklist* (including the legal property description in full and land owner consent authorising the lodgment of the Planning Proposal request and the eventual making of a draft LEP over the subject land).
- 4 The submission of all documentation in electronic format (PDF). All documentation will need to be uploaded on Council's website for consultation and therefore should be kept under 50MB (noting that files over 10MB generally cannot be emailed). Wherever possible, a suite of documents should be combined into one file (while keeping under the 50MB guide).
- 5 Four hard copies of the request and all documentation.
- 6 Mapping data is to be supplied in a format compatible with ARC GIS.
- 7 Applicable Fees.

To ensure transparency in Council's decision making functions, any application which is made by a Council employee / Councillor and/or their immediate relative/s, will be referred to an independent consultant for assessment.

For more information proponents should refer to the Department of Planning and Environment's publication "**Local Environmental Plan Making Guideline 2021**".

Planning Proposal requests will require external planning expertise on behalf of the applicant. It is recommended that a town planning consultant be engaged for the preparation of planning proposal applications, and other specialist consultants may also be needed to provide technical input in support of the proposed changes. The application must include an accurate assessment of the likely impacts of the change in land use and identify any land constraints, supported by technical investigations. Any study that is deemed necessary to assess the suitability of the proposal and may have a significant bearing on Council's decision making about whether to proceed with preparing a planning proposal, will be required prior to a report being prepared for Council.

Council staff may refuse to accept the submission of a planning proposal request if the proposal is deemed to be lacking the necessary information and detail required of a planning proposal, as outlined in this section.

Fees

For applicable fees and charges, please refer to Wollongong City Council's *Schedule of Fees and Charges*. The proponent is required to pay the prescribed fee associated with preparing a planning proposal as outlined in Council's Fees and Charges. The proponent is also required to pay for any required technical studies.

What are the applicant's risks in applying for a Planning Proposal?

The following should be noted:

- Council, or an Independent Planning Panel, can request that the Minister for Planning terminates a Planning Proposal at any point of the process, including after all investigations, analysis and community engagement has been completed. However, proponents can request an independent review of decisions if Council has refused or failed to respond to a Planning Proposal;
- Council officers may seek an extension of time from the Department of Planning and Environment for the completion of a Planning Proposal should Council resources be required on other higher priority projects;
- The Planning Proposal process can occur over a number of years, depending on the nature and complexity of the proposal, and there are several key milestones that need to be achieved along the way. With each one there is a risk for the process to cease;
- Council officers may decline to accept the lodgment of a planning proposal request, where the application content is deemed inadequate;
- Council officers may, based on a preliminary desktop assessment of a submitted planning proposal request, determine that the information submitted is not satisfactory and should not be reported to the Local Planning Panel, or a Council meeting. This may arise where the initial review of the information submitted reveals that the

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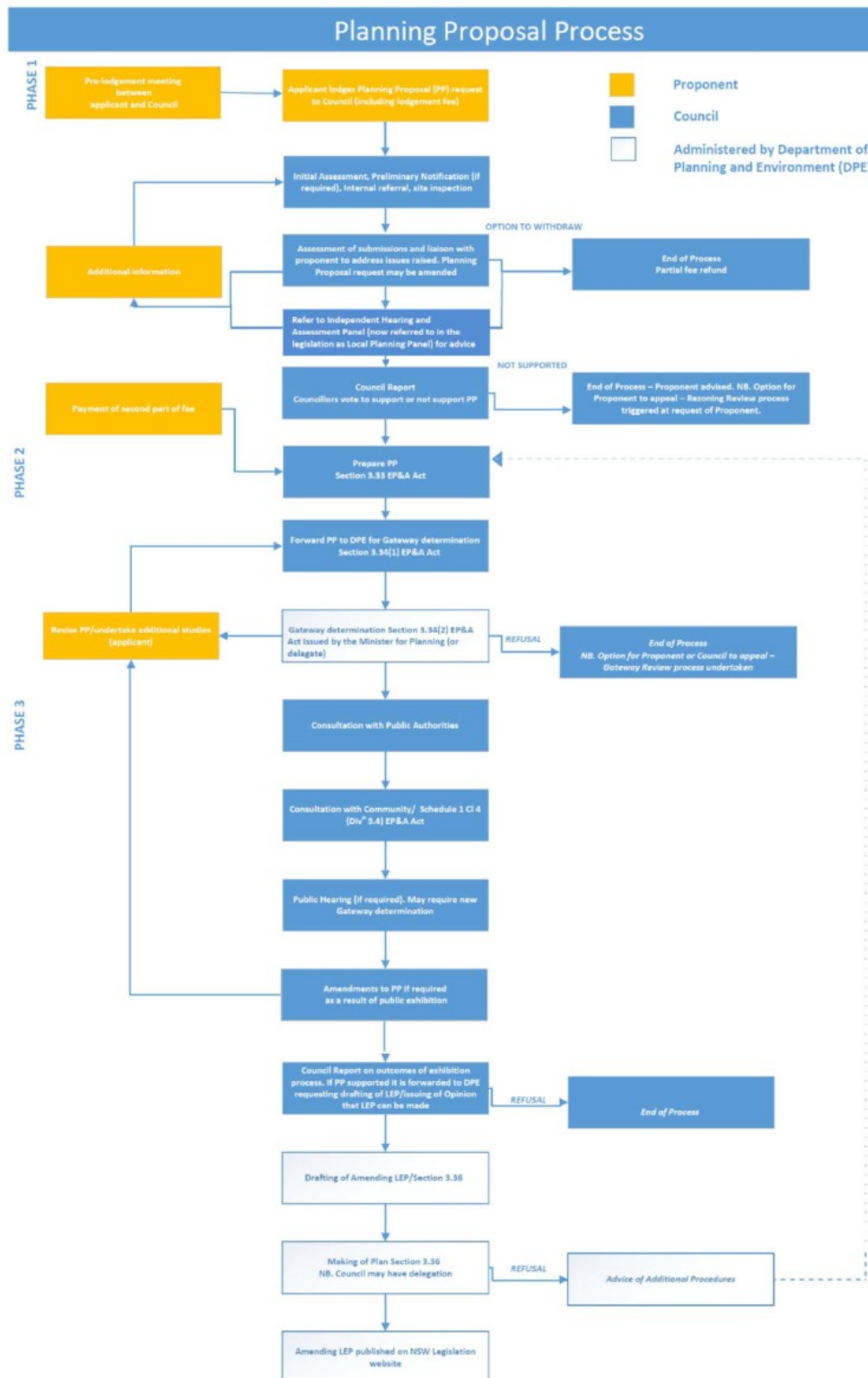
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proposal is inconsistent with local and/or state policy, or is subject to insurmountable environmental constraint etc;

- The proponent is responsible for the payment of any studies, specialist advice, or consultancies as required during the LEP amendment process;
- Time of lodgement does not determine the priority of processing and progressing of an amendment – it is necessary to prioritise proposals to ensure those providing the greatest public benefit are given preference over those servicing individual interest or are of limited benefit to the greater Wollongong community;
- The Planning Proposal request must be accompanied by the relevant fee. Part of the initial fee is refundable should the Planning Proposal process be terminated or be unsuccessful. The second part of the fee (if Council resolved to support the preparation of a Planning Proposal) is not refundable. If the Regional Planning Panel support a Planning Review and the Department of Planning and Environment issues a Gateway determination, the second fee is payable; and
- Council gives no undertaking that the processing of a Planning Proposal will result in the requested LEP amendment occurring. It is possible that all the steps in the process can be completed and an amendment declined by Council, the Independent Planning Panel, or the Minister for Planning.

PLANNING PROPOSAL POLICY To be removed – outlined in the Department's LEPMG

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SUMMARY SHEET	
Responsible Division	City Strategy
Date adopted by Council	
Date of previous adoptions	7 May 2018
Date of next review	May 2021
Responsible Manager	Manager City Strategy
Authorised by	Director Planning and Environment – Future City and Neighbourhoods

“New Approach to Rezoning” Discussion Paper, December 2021 Submission

The Discussion Paper describes the proposed new way of assessing rezoning proposals as a “plan led” system, though the proposed process outlined looks more to be a developer led system and there is little in the proposed new system to increase a plan-led approach.

The draft paper suggests that -

“This new approach aims to support a stronger strategic planning process so that, collectively, we will continue to see great outcomes for people, places, jobs, housing and public spaces by -

- *simplifying the rezoning process and minimising duplication*
- *improving transparency*
- *improving consultation processes*
- *reducing processing times*
- *creating more certainty and consistency*
- *empowering councils to make decisions on matters important to their communities while allowing the NSW Government to deal with matters where government intervention is beneficial*
- *giving private proponents control and responsibility for rezoning requests*
- *improving the quality of planning proposals.”*

While the idea of reducing the time and cost of assessing rezoning proposals has merit, it is unclear from the Discussion Paper how the other aims of certainty, consistency and improving the quality of proposals would be achieved.

The discussion paper also notes that -

- The NSW Productivity Commission found the NSW planning system has become too complex and inefficient. It has recommended the need to reduce red tape and complexity.
- The Federal Productivity Commission found that the rezoning process can be time consuming, costly and uncertain. It recommended shorter timeframes for planning proposals (while maintaining integrity) and a policy to avoid spot rezonings (the rezoning for a specific parcel of land), or to remove redundant requirements or apply statutory timeframes for decisions where they cannot be avoided.

It is noted that the Plan Making process is entirely governed by the State, and local government follows the rules established by the State. Over the years the Department has made a series of changes with the intention to simplify and improve timeframes for the plan-making process, however often they have had the opposite affect by increasing complexity, inefficiencies and timeframes.

For example -

- The removal of section 65 delegations to Council to exhibit LEP amendments.
- The introduction of the Gateway Determination, which initially was an adequacy assessment against regional plans, but has evolved to a merit assessment of the proposal.
- The introduction of Rezoning Reviews, which has allowed proponents to appeal against Council not supporting or progressing their request. Prior to this change, Councils could reject inappropriate Planning Proposal requests without challenge. The Rezoning Review process and subsequent review by DPE can add up to 6 months to the process and result in proposals progressing that do not have the support of the Council.

- The DPE has introduced various Guidelines, SEPPs, Directions, Orders all of which add to the complexity of the rezoning process. Similarly other State Agencies have published their own Guidelines and requirements, many of which are non-statutory but are expected to be followed, otherwise there are un-resolved objections.
- The DPE has removed Council officer's ability to draft amending LEPs, and all amendments are drafted by the Parliamentary Counsel Office.
- The DPE mapping team reviews and comments on all map amendments. Often comments have nothing to do with the amendment, but on drafting details such as a line thickness, colours or labels.
- The introduction of Local Planning Panels to provide advice on Planning Proposal requests, while having merit in some circumstances, has added time to the process.
- The proposed introduction of Planning Proposal reviews by Design Review Panels through the Design and Place SEPP package, also has merit but will add further time to the process.

Council suggests that the implications arising from these previous process changes be critically considered through the rezoning reform process.

Spot Rezoning

Council supports the intent for a plan-led local planning process that moves away from "spot rezonings". However, Council is of the view that the suggested process for developer-initiated rezonings will in fact encourage more spot rezonings.

- The requirement to secure landholder consent will be a limitation for larger precinct based planning reviews that involve multiple property owners. Noting that currently owner(s) consent is not required.
- The ability for a developer to lodge, effectively exhibit and seek determination of a rezoning proposal without an initial assessment or support from the Council is likely to be attractive to land speculators.
- The ability for proponents to appeal against a negative Council decision at the end of the process will be a further incentive for speculative developers to "roll the dice" with a rezoning proposal.

The removal of a strategic and site specific merit assessment as the first step in the rezoning process is of particular concern. DPE placed considerable focus on the development of Local Strategic Planning Statements and Regional Plans as the strategic framework to guide land use planning decisions. The process being considered turns its back on this approach and would enable strategy inconsistent proposal to substantially progress through the rezoning process.

The investment of time and resources into exhibiting and assessing potentially strategy inconsistent proposals will reduce efficiency in the system and create unnecessary anxiety in the community. While an early decision to not support a Planning Proposal request may not be popular with the proponent, it saves them, the community and Council time and resources.

Council is of the view that the proposed new system puts consistency, integrity, transparency, and community trust at risk.

Public exhibition process

Council is concerned that the community may feel there is reduced transparency and trust with a public exhibition and response to submission that is essentially led by the developer at the start of the process.

The early exhibition envisaged in the new process also relies on the documentation being correct and supportable. There will be an increased likelihood that re-exhibitions will be required where proposals have to be amended to address issues raised by the community and/or through the assessment process. This raises a number of questions, for example:

- What process will be in place if an applicant amends the proposal post exhibition to determine whether the changes warrant re-exhibition?
- If the proposal needs to be re-exhibited, is this done by the proponent or council?
- Are exhibitions allowed to take place over Christmas/school holidays?

Department and agency involvement

It is unclear how the proposed new process increases consistency by removing the NSW Department of Planning and Environment from much of the process.

While it is appropriate to explore the roles and responsibilities of the Department at various steps in the rezoning process, the Department's involvement, especially at Gateway Determination phase does help to maintain consistency, transparency and integrity in the system.

The proposed use of submission requirements, including agency comments is a good idea. However, it is not clear in the process chart who is coordinating the Council and agency pre-lodgement meetings. Once again, questions to consider include:

- Is this coordinated by the proponent or Council?
- What will become of the traditional role of DPE to coordinate stage agencies?
- Will the agencies have the resources to attend pre-lodgement meetings?
- Who will prepare study / submission requirements?
- Will Councils have to draft new scoping requirements for each rezoning application or look to preparing a standardised set of requirements (similar to the Secretary's Environmental Assessment Requirements for State Significant Development Applications). If issues are not resolved at the rezoning stage, they are deferred to the DA stage and cause delays and increased contestability in that process.

Section 9.1 Directions will need to be updated to reflect the new system and the process timeframes envisaged. The Directions are not formed or controlled by Council, yet the responsibility for ensuring "consistency" is being shifted to Council. In the present system, Council forms an opinion, that is then agreed to/or disagreed with consistently by the Department. The new system reduces oversight, with potential for reduced consistency of assessment and less transparency.

Process and Timeframes

The Department should be aware that achieving the reduced benchmark timeframes at phases through the process will likely result in more refusals of rezoning proposals and the need for re-lodgement. The tight timeframes do not factor in the reality that additional information is often required to support rezoning proposals.

While on paper this may reduce timeframes on an application-by-application basis, will it result in overall inefficiencies and waste of time and resources.

The concept of moving assessment to the end-of-process will not necessarily save time or money but will merely transfer the merit debate to the end of the process, after the expenditure of significant resources has already occurred. Changes are also easier to accommodate at the start of the process.

New appeals pathway

Council does not support the introduction of Land and Environment Court appeal rights for rezoning proposals. Council has already seen its autonomy to set the strategic land use planning outcomes for the City eroded through the introduction of the “Gateway Review” process. Providing the opportunity for appeals through the courts will further reduce Council’s autonomy and encourage speculative rezoning proposals.

Once again, the lack of detail in the Discussion Paper raises questions:

- What level of rigour will need to go into the studies required by the Court?
- Will new documentation be able to be lodged with the Court, which hasn’t been reviewed by Council or the community?
- Will the community have appeal rights?
- Would objectors be able to have their views heard in such appeals?
- What resourcing will need to be made to allow for appeals to be processed?

The Department has not made the case for the failure in the current system that the introduction of appeal rights is designed to address. A review process is already in place using the Regional Planning Panels to provide independent review of Council decisions in relation to rezoning proposals. The use of Local Planning Panels or the Independent Planning Commission may be viable alternatives within the same general framework that is currently in place.

Introducing Land and Environment Court appeals will add to the cost and time to complete the review process. And as previously noted, tighter benchmark timeframes is likely to result in more refusals and therefore more appeals. Council envisages that more staff time and costs will be directed into defending appeals rather than investing into strategic planning.

Categories

The proposed Planning Proposal categories will need to be clearly defined in order to prevent debate on which category a proposal falls into. Whilst the categories seek to set out categories based on complexity levels, it is often site-specific constraints that can dictate complexity. It is also noted that for category 2 it is stated that a proposal falls into this category if it involves -

“changing the land-use zone if a proposal is consistent with the objectives identified in the LEP for that proposed zone”.

There is no reference in the criteria for Category 2 that a proposal needs to be consistent with the intended character for the area. This statement would make more sense if it referred to a consistency with a Local Strategic Planning Statement or other strategic document.

New fee structure

The section in the discussion paper talks about fee structures, without really giving detail on how much the fees would be at each stage, or how they would be calculated.

The following alternate provisions suggested in the Discussion Paper could benefit the process if supported with other policy and guidance material to assist developers, Councils, and the public.

- Amend Ministerial Directions to make assessment considerations more certain.
- Delegation for decision-makers.
- Create submission requirements to make application requirements clear.
- Amendments to the Standard Instrument to standardise common amendments.
- New regulations to provide more certainty in the agency engagement process.

We agree that improvements would need to be made to the NSW Planning Portal to make it more effective and useable.

While the objective of creating a greater “plan-led” approach and reduced timeframes is supported as an objective, the framework suggested is unlikely lead to the outcomes desired.

Council appreciates the opportunity to provide feedback to the *New Approach to Rezoning* Discussion Paper and would welcome the opportunity to discuss our concerns in more detail as the reform process progresses.

ITEM 4

CONTRIBUTION REFORM AND IPART REVIEW – COUNCIL SUBMISSIONS TO PROPOSED AMENDMENTS

New and existing communities are dependent on essential infrastructure such as parks, paths for walking and cycling, roads, community facilities such as libraries and community centres and measures to manage stormwater. Development contributions are the key funding source to allow delivery of essential local infrastructure. Without sufficient development contributions there is an increased reliance on other funding sources such as Council land rates.

During 2021 the NSW Government proposed major reform to the infrastructure contributions system via the introduction of the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021* into NSW Parliament on 22 June 2021. This followed the Government's acceptance of all 29 NSW Productivity Commissioner recommendations in March 2021. The Government review is being coordinated by the NSW Department of Planning & Environment (DPE). The State proposes that the reformed system would be operational by July 2022 with councils progressively moving into the system over two years until all recommendations are effective by July 2024.

Council staff have participated in all available stakeholder engagement stages including the formal exhibition phase from 28 October 2021 to 10 December 2021. On 10 December 2021, Council staff made a submission to DPE in response to the public exhibition (see **Attachment 1**). The staff review focused on the NSW Government repeated commitment that "no councils will be worse off under the reforms". The staff review also considered the reforms in the context of Illawarra Shoalhaven priority growth areas including West Dapto.

The Independent Pricing and Regulatory Tribunal (IPART) has undertaken a number of reviews concurrent with the DPE review. Both IPART and DPE have reported that their reviews are separate. However, the IPART review has relevant implications for Council and infrastructure funding. This includes the local contributions plan (Section 7.11 Plan) essential works list and benchmarks reform and also the rate peg reform. Council made a submission to the IPART proposed review of the rate peg to include population growth on 3 August 2021 (see **Attachment 2**) and staff also made a submission to the IPART essential works list review process on 10 December 2021 (part of **Attachment 1**).

The purpose of this report is to seek Council support of the staff submissions of 10 December 2021 to DPE and IPART.

RECOMMENDATION

- 1 Council ratify the staff submissions to the NSW Department of Planning and Environment (DPE) and Independent Pricing and Regulatory Tribunal (IPART) of 10 December 2021 in response to the DPE Contributions Reform proposal and IPART essential works list and benchmarks reform.
- 2 Staff write to the Minister for Planning, DPE and IPART confirming Council support for the 10 December 2021 submissions.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Council's Letter and Submission to DPIE NSW Contributions Reform - December 2021
- 2 Council's Letter dated 16 July 2021 to Independent Pricing and Regulatory Tribunal
- 3 NSW Productivity Commission's Review of Infrastructure Contributions in NSW - March 2021

BACKGROUND

Department of Planning and Environment Proposed Reforms

During 2021 the NSW Government proposed major reform to the NSW infrastructure contributions system. This followed the Government's March 2021 acceptance of all 29 NSW Productivity Commission recommendations to deliver a certain, transparent, simple, efficient and consistent system. A summary of the Productivity Commissioner recommendations and initial NSW Government response is provided at **Attachment 3**.

The State proposes that the reformed system would be operational by July 2022 with an expectation that councils progressively move into the system with all recommendations effective by July 2024. There is significant detailed information regarding the proposed reforms on the DPE website at www.planning.nsw.gov.au

[Improving the infrastructure contributions system - \(nsw.gov.au\)](http://www.planning.nsw.gov.au)

There are three key areas of reform proposed by DPE. All proposed reform will rely on amendment to the *Environmental Planning and Assessment Regulation* as the major mechanism. This legislation aspect was introduced to parliament in 2021.

Key reform elements summarised -

1 Draft Environmental Planning & Assessment Regulation

Proposed changes to the regulations have been proposed to -

- Facilitate early identification of infrastructure needs
- Addressing high and rising land values
- Encourage and allow for forward funding of infrastructure through pooling and borrowing
- Improving revenue collected under section 7.12 contributions plans
- Public notice improvements / exhibition requirements for planning agreements to ensure greater transparency and accessibility
- Reporting requirements for affordable housing contributions
- Simplifying and standardising contributions exemptions
- Better aligning infrastructure contributions and strategic planning delivery
- Conditions on complying development certificates issued for development for which a local infrastructure condition or local levy condition may be imposed (Clause 136K)
- Land value contribution exhibition paper. To ensure owners who benefit from land being rezoned for development contribute towards provision of land for local infrastructure when their land is being either sold or developed
- Require a Practice note review.

2 Local Infrastructure Contributions and Land Use Planning

- Minister Direction, the Environmental Planning and Assessment (Local Infrastructure Contributions - Planning Proposals) Direction 2022. The direction is issued to Councils under section 9.1 of the *Environmental Planning and Assessment Act 1979*. The purpose of the direction is to encourage preparation and exhibition of draft contributions plans at the same time as planning proposals where the contributions plan is needed to accommodate the increased demand for infrastructure.
- Contribution Plans and Planning Proposals draft practice note, October 2021. The practice note supports the abovementioned Ministerial Direction and in particular is intended to provide a best practice process for local councils and proponents of planning proposals to achieve the

objective of ensuring that planning proposals and draft contributions plans are exhibited together.

- Minister Direction, the Environmental Planning and Assessment (Housing, Infrastructure and Urban Development) – Dual and shared use of open space and public facilities) Direction 2022. The direction is issued under section 9.1 of the *Environmental Planning and Assessment Act 1979*. The purpose of the direction is to encourage efficient use of public open space, drainage and public facilities by incorporating shared uses.

3 Regional Infrastructure Contribution (RIC) a new framework for state infrastructure contributions

The new framework for state infrastructure contributions has been explained in the exhibition material in terms of where the contribution applies, to what development it applies, the charge rates, form of contribution, indexation and timing of payments. The RIC is explained as being made up of a base contribution component that applies to all new development across a region, strategic biodiversity component that applies only to specific areas within a region and a proposed Transport component that only applies to specific Major Transport Infrastructure within a region. The exhibition material included -

- RIC discussion paper, October 2021 which outlines the new framework proposed.
- State Environment Planning Policy Explanation of Intended Effect (EIE) which sets out the detail of the proposed Policy for the purposed of public exhibition.
- Infrastructure delivery agreements, RIC state planning agreement guidelines. The document explains how the agreements would operate in the RIC framework. This is further supported by a RIC works-in-kind guideline. Where a developer proposes land or works in lieu of a RIC contribution.
- RIC governance and prioritisation guidelines. The guidelines outline how the RIC fund is proposed to be managed within each region. Specifically outlining types of infrastructure to be supported by the RIC fund, where the RIC fund can be spent (within the region where it is collected), outcomes that the RIC Fund will deliver, roles and responsibilities for administering the RIC Fund and the process for prioritising and allocating the RIC Fund.
- RIC feasibility analysis.

In October 2021, adjustments to Productivity Commission's 29 recommendations were announced by the State. The adjustments were made in response to feedback received from stakeholders during the policy development process. The following adjustments to the Productivity Commission recommendations were subsequently included as part of the public exhibition -

- Extended 3-year transitional arrangements for the application of the essential works list to all section 7.11 contributions plans. This is a transitional measure, providing time to understand the effect of the population growth factor on council rate revenue.
- Application of differential section 7.12 levies based on Sydney district and regional boundaries can be found in the EP&A Regulation explanatory paper. This recognises that construction costs vary across NSW. The differential rates provide a more accurate reflection of the Productivity Commission's intent that the section 7.12 levy equal 3% of residential, and 1% of commercial and industrial, construction costs.
- Section 7.12 levies applied to total development, rather than just to net additional development can be found in the EP&A Regulation explanatory paper. This allows section 7.12 levies to be applied to knock-down / rebuild developments. While these developments do not strictly result in population growth, they do extend the use of the land, which in turn extends demand on infrastructure.

- Section 7.12 levies applied to additions and alterations can be found in the EP&A Regulation explanatory paper. This allows section 7.12 levies to be applied to additions and alterations, which are typical developments in CBDs and town centres.
- Introduction of a section 7.12 levy for boarding houses, aged care facilities and caravan parks in the EP&A Regulation explanatory paper. Residential boarding houses, co-living, group homes and other similar developments create demand for infrastructure and should contribute to the cost of providing infrastructure. However, because they are not separately titled, they cannot be levied as a rate per dwelling and require their own specific levy.
- Application of a capped section 7.12 levy for energy developments can be found in the EP&A Regulation explanatory paper. Energy developments, such as solar and wind farms, are commercial developments that cannot be levied at a rate per square metre of gross floor area. As such, a rate per megawatt is considered an appropriate measure for energy developments. Capping the rate reflects the low level of demand for infrastructure arising from these developments. The DPE is interested in receiving comments on these adjustments to the Productivity Commission recommendations and whether they enhance the overall reform program.

IPART Concurrent Reviews

The IPART concurrent reform review included proposed changes to the Local Contributions Plans Essential Works List and Infrastructure Benchmarks. In addition, during 2021 IPART undertook a population growth-based review of land rates peg.

- IPART review of the local infrastructure contributions system (Essential Work list, nexus, efficient design and benchmarking). The review was intended to ensure local infrastructure contributions (collected via Section 7.11 of the EP&A Act) reflect development-contingent costs only. A draft report was issued by IPART for exhibition on 29 October 2021 and benchmark information paper issued for exhibition on 12 November 2021. Public submissions were due on 14 December 2021. The IPART review included -
 - Advice to inform an essential works list that would apply to all section 7.11 contributions plans.
 - Provide advice on an approach Councils should use to determine the most efficient local infrastructure to meet the need of new development, applying the principle of nexus.
 - Develop and maintain standardised benchmark cost for local infrastructure that reflects efficient cost of provision.
- Review of the rate peg methodology to account for population growth. IPART was asked by the NSW Government to undertake the review to recommend a rate peg methodology that allows general income of councils to vary in a way that accounts for population growth. A draft report was issued for public exhibition on 29 June 2021 and a final report issued on 5 October 2021.

Land rates are used for services, facilities and generally running the Wollongong City. IPART sets a rate peg each year which is a percentage amount that restricts what level of increase Councils can make on rates. The IPART 2021 rate peg review approach including population growth led to a Council submission of 3 August 2021. While Council provided general support for the methodology based on the understanding that the IPART proposed approach would lead to higher growth in rates revenue that better represents the increase in population and will allow Council to better meet the costs of increased service. The Council submission promoted Capital Improved Valuation (CIV) as an option for rating. Business and employment growth is something Council also noted should inform rate peg calculations.

On 18 October 2021 Council adopted recommendations from a Lord Mayoral Minute that Wollongong City Council –

- 1 *Note that the local government sector is concerned that the proposed changes to the infrastructure contribution scheme may limit Council's ability to deliver infrastructure and open spaces for the community.*

- 2 *Call on the NSW Government to formally withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 pending consultation on detailed supporting documents including modelling, regulations and guidelines.*
- 3 *Ask that staff review any supporting documents released by the NSW Government on proposed changes to the infrastructure contributions framework and brief Council on potential impacts on the long-term financial sustainability of Council and delivery of community infrastructure.*
- 4 *Call on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from future infrastructure contributions reform*
- 5 *Write to local State Members, the Premier the Hon Dominic Perrottet MP, Treasurer the Hon Matt Kean MP, Minister for Planning and Public Spaces the Hon Rob Stokes MP and Minister for Local Government the Hon Shelly Hancock MP to highlight concerns about the lack of detail on proposed changes to infrastructure contributions.*

PROPOSAL

Council staff have participated in all available DPE and IPART stakeholder engagement processes including the DPE pre-exhibition phase, 1 July 2021 to 27 October 2021, and the formal DPE exhibition phase, 28 October 2021 to 10 December 2021.

Council staff made a submission on 10 December 2021. The staff review focused on the Government commitment that “no councils will be worse off under the reforms”. The staff review also considered the reforms in the context of Illawarra Shoalhaven priority growth areas. Copies of the staff submissions are provided are at **Attachment 1**.

In the submissions staff highlighted that Council officers support an equitable contributions system in NSW. This includes equitable infrastructure programming between and within regions, equitable collection of contributions and equitable expenditure of contributions. Wollongong City Council is a lead supporter of growth in our region's release areas. However, in the staff submission it was made clear that the most significant proposed change to the contributions framework, the proposed Regional Infrastructure Contributions (RIC), should not just benefit priority release areas. The broad revenue source proposed from all new development in the region should not be used to cross subsidise specific development fronts. Equitable benefit must be demonstrated.

Programmed State investment in infrastructure to support growth should be the priority with or without a contributions system reform. The reform package does not demonstrate how the region will benefit from a proposed RIC. Council officers consider the existing Special Infrastructure Contribution (SIC) framework provides more certainty for priority growth areas such as West Dapto.

In addition to the detailed submission, Council officers also sought clarification from DPE regarding the timing of the West Dapto Development Contributions Plan 2020 review. The review is due for completion by December 2023 consistent with IPART's recommendations from their 2020 assessment of the existing contributions plan. This is a 3-year review. However, the proposed reforms include a recommended 4-year review of all contribution plans above the \$30,000 greenfield threshold. Staff asked DPE to clarify if there is an expectation that the West Dapto Contributions Plan is to be reviewed by December 2023 as an IPART reviewed Plan or by December 2024 consistent with the reform. At the time of writing this report staff are yet to receive clarification from DPE.

Council staff submission is provided at **Attachment 1**.

CONSULTATION AND COMMUNICATION

Council various Divisions were consulted to inform the 10 December 2021 submissions including staff from -

- City Strategy

- Finance
- Infrastructure Strategy and Planning
- Project Delivery
- The Council staff Development Contributions Coordination Group (chaired by City Strategy).

Local Government NSW facilitated ongoing discussions to understand shared Council issues with the various aspects of the contributions reform.

Staff were also invited to participate in a series of Productivity Commission round table events (x3) during August 2020.

In addition, staff participated in the following DPE stakeholder engagement events -

- 1 July 2021: DPE update meeting for Council senior management of process to implement Productivity Commission recommendations
- 20 September 2021: IPART stakeholder workshop regarding review of essential works list, nexus and efficient design principles
- 22 October 2021: DPE briefing for Council senior management pre-exhibition
- 9 November 2021: DPE exhibition launch webinar
- 26 November 2021: DPE Q&A webinar during exhibition period.

A Councillor briefing session was held on 7 February 2022.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal 5 we have a healthy community in a liveable city. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2022	Operational Plan 2021-22
Strategy	4 Year Action	Operational Plan Actions
5.1.4 Urban areas area created to provide a healthy and safe living environment for our community	5.1.4.3 Policies and plans are developed, reviewed and implemented to encourage physical activity	1 Review West Dapto recreation needs in line with the bi-annual review of the West Dapto Development Contributions Plan

RISK MANAGEMENT

The NSW Government's proposed contributions reform presents economic and social risk. From an economic perspective without careful consideration, the reforms could reduce the revenue source available to fund local essential infrastructure. In addition, without the appropriate funding source community facilities including libraries, community centres, passive and active recreational areas for example would become harder for local government to deliver. The Council staff submission at **Attachment 1** attempts to reduce those risks by promoting improvements to the Government proposed reforms.

FINANCIAL IMPLICATIONS

The NSW Government has continued to state that "no councils will be worse off under the reforms". However, Council staff have critically reviewed the proposed reforms to understand potential impacts of the proposed changes.

Value of development contributions is one of the key factors when determining the financial implications of any change to the system. The Council staff submission highlighted that we support an equitable system which relates to the equitable programming and expenditure of contributions collected. This is particularly relevant in the case of State contributions, or through the state's proposed Regional Infrastructure Contribution (RIC). There is no information in the reform package that provides certainty

on how and when the RIC contributions would be spent within the Illawarra/Shoalhaven region or how Wollongong and our growth areas would benefit.

The Council submission to DPE also requests that the State clarify if there is proposed to be a cap on local contributions and what that cap would be. Council staff recommend that no cap should be imposed particularly as our section 7.11 plan goes through rigorous IPART assessment to justify our proposed contributions rates. This clarity is required for all Council's before changes are made to the system on 1 July 2022 so the implications can be better understood.

Council's submission to IPART again highlighted the disappointment that works or buildings not being included on the essential works list for community facilities. As a result, Councils can only collect development contributions for community facility land costs. This puts more pressure on other funding sources such as rates which should be used to fund services not essential infrastructure. Staff request that the state reinstate the option to allow Councils to include community facility buildings in section 7.11 contribution plans. Community buildings not being included in the essential works list for collection and allocation of section 7.11 contributions is inconsistent with the rules relating to section 7.12 Contribution Plans.

The draft IPART benchmark costs for section 7.11 contributions plans differ to those adopted through the West Dapto Development Contributions Plan, 2020. The staff review identified some transport infrastructure components for example where the benchmark cost is estimated to be in the order of 60% of that of the current rate adopted in the West Dapto Development Contributions Plan. It is important to note that IPART reviewed the West Dapto Contributions Plan in 2020 and found the costings in our adopted plan as reasonable based on the justification provided by Council staff. The proposed benchmark changes could magnify the funding shortfall to provide essential infrastructure at a local government level.

Section 7.12 contributions are proposed to be levied on development type and not on the cost of development. This is a major change that may have considerable staff resource implications to implement the change. From initial analysis this change is unlikely to lead to any reduction in Council income. It will also add further administrative complexity to manage contributions. For example, Council staff will need to undertake additional work to determine the appropriate levy for mixed use, commercial and industrial developments. Increased residential rate may affect the feasibility of growth in the LGA. The administrative burden on Councils is not restricted to this one aspect of the proposed reform. As there is wholesale reform proposed to the contributions system there is likely to be significant resource and systems impact implications for Wollongong and other Councils.

Council is of the view that this review of contributions is totally separate from the IPART review of the Rate Peg to Include Population Growth. We consider that the operational cost considerations that gave rise to the growth factor were inclusive of the Developer Funding levels currently in place. Should there be changes to Developer Contribution funding it should then require further review of rates.

Council's 3 August 2021 submission to IPART indicated a qualified general support for population growth-based rate peg calculation. The inclusion of business and employment growth was also something Wollongong suggested. As was an option for a Capital Improved Valuation approach-based system. IPART finalised their review issuing a final report on 5 October 2021. Subsequently IPART issued a rate peg for Wollongong of 1% for 2022/23.

With rate peg set at only 1% there is further importance that reform to the developer contributions system in NSW does not leave Council's worse off. If there are short falls in developer contribution to essential infrastructure further pressure is placed on Councils. Alternate funding sources such as competitive grant funding opportunities does not provide the necessary certainty required by the community.

CONCLUSION

Development contributions are the key funding source to allow delivery of essential local infrastructure. Without sufficient development contributions there is an increased reliance on other funding sources such as Council land rates. It is important that Council is not worse off under the NSW Government

proposed reforms to the infrastructure contributions system and that infrastructure can be equitably funded within our LGA.

Staff are seeking Council support of the 10 December 2021 submissions made to DPE and IPART. The staff submission aims to encourage improvements to the governments proposed system change.

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WOLLONGONG CITY COUNCIL

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Ms Kiersten Fishburn
Secretary
NSW Department of Planning Industry and Environment
NSW Planning Portal

Your Ref:
Our Ref:
File:
Date:

Contributions Reform
Z21/257085
CST-100.05.058
10 December 2021

Dear Ms Fishburn

WOLLONGONG CITY COUNCIL OFFICERS SUBMISSION: NSW CONTRIBUTIONS REFORM

Thank you for the opportunity to comment on the proposed NSW contributions system reforms. I also appreciate the opportunity provided to Council officers to participate in a number of discussions with DPIE's project team while developing the reforms.

Council officers have reviewed the proposed changes and offer a number of comments and recommendations. This Council officer submission will be reviewed by our newly elected Council following their meeting of 21 February 2022.

Our review has focused on the Government commitment that "no councils will be worse off under the reforms". We have also considered the reforms in the context of Illawarra Shoalhaven priority growth areas.

Council officers support an equitable contributions system in NSW. Equitable infrastructure programming between and within regions, equitable collection of contributions and equitable expenditure of contributions. Wollongong City Council is a lead supporter of growth in our region's release areas. However, it is important that the most significant proposed change to the contributions framework, the proposed Regional Infrastructure Contributions (RIC), does not benefit only priority release areas. The broad revenue source proposed from all new development in the region should not be used to cross subsidise specific development fronts. Equitable benefit must be demonstrated.

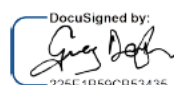
Programmed State investment in infrastructure to support growth should be the priority with or without a contributions system reform. The reform package does not demonstrate how the region will benefit from a proposed RIC. Council officers consider the existing SIC framework provides more certainty for priority growth areas.

A detailed submission on all aspects of the proposed reforms is attached. We have also included our comments on the current IPART contributions reform review.

In addition to our submission, Council officers seek clarification in regards to the timing of our West Dapto Development Contributions Plan 2020 review. The review is due for completion by December 2023 consistent with IPART's recommendations from their 2020 assessment. This is a 3 year review. Could you please confirm if there is an expectation that the West Dapto Contributions Plan is to be reviewed by December 2023 as an IPART reviewed Plan or by December 2024 consistent with the reform recommended 4 year review of all contribution plans above the \$30,000 greenfield threshold.

We welcome the opportunity to continue to work with DPIE on this significant reform package. We are available for discussion and workshops as needed. Please do not hesitate to contact Linda Davis, Director Planning and Environment on 4227 7111, should your staff wish to discuss any aspect of our submission further.

Yours faithfully

DocuSigned by:

225E1B59CB53435...

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

Attach

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Wollongong City Council Submission NSW Contributions Reform December 2021

Reform Item	Council officers Submission statement
DPIE reform	
Local Infrastructure Contributions	
<i>Planning proposals direction</i>	Council officers can see benefit in the proposal to improve clarity for the general public. Council officers and all Councils will need to consider whether current s7.11/7.12 contributions plans and current Planning Agreements are adequate for new Planning Proposals (PP). If new or amended contributions plans are required they should be exhibited at the same time as the relevant proposed PP.
<i>Contributions plans and planning proposals draft practice note</i>	No comment on the content presented. Council officers are interested in the module 'determining contribution rates' which is referred to as being developed on DPIE's website. It will be important to know if there is proposed to be a cap on local contributions and what that cap will be. Clarity should be provided before making changes to the contributions system on 1 July 2022.
<i>Dual and shared use of open space and public facilities direction</i>	Council officers support the intent of this direction. However, the support for dual and shared use will be subject to the outcome of each purpose being maintained and not compromised due to dual use.
	Council officers question of Clarification: Local Contributions Plan review deadlines. Council officers review of the current adopted section 7.11 West Dapto Development Contributions Plan 2020 is due for completion by December 2023 consistent with IPART's recommendations from their 2020 assessment. Can DPIE please confirm if there is an expectation that the West Dapto Contributions Plan is to be reviewed by December 2023 or by December 2024 consistent with the reform recommended 4 year review time frame for all contributions plans above the \$30,000 greenfield threshold?
Draft Environmental Planning & Assessment Regulation	
<i>General</i>	s7.11 is proposed to be called local infrastructure conditions and s7.12 local levy conditions . The term 'condition' has a different meaning in planning and development consents. Council officers recommend the retention of the term "contributions".
<i>Facilitating early identification of infrastructure needs</i>	It is important to note that IPART's current review of the Essential Works List (EWL) is part of the overall consideration for facilitating early identification of infrastructure needs. Council has for example identified community facility needs in the West Dapto Urban Release Area early in the planning process. However, the current EWL does not include community facility buildings leaving Council to consider the use of rates revenue for this essential infrastructure item. Rates revenue should generally be used for ongoing maintenance and service provision not essential infrastructure linked to new development.
<i>Addressing high and rising land values</i>	See comments on land value contributions below.
<i>Forward funding infrastructure through pooling and borrowing</i>	Council officers support the flexibility that will be provided by pooling within and between development contributions plans.

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Reform Item	Council officers Submission statement
DPIE reform	
<i>Improving revenue collected under section 7.12 contributions plans</i>	<p>s7.12 contributions are proposed to be levied based on development, not cost of development. This is a fundamental change to how s7.12 will be levied and is becoming more like s7.11 contribution rates. This change is not supported, as it will add complexity to the s7.12 and will no longer be a straight forward levy. Developers and Council officers will need to undertake additional work to determine the appropriate levy for mixed use, commercial and industrial developments.</p> <p>If the amendment progresses, staged implementation may be appropriate for a change this significant.</p> <p>If the change is progressed, in-house modelling indicates that the rate for dwelling houses will increase 3- fold, while commercial and industrial developments will pay less.</p>
	Appears greater contributions burden will be placed on residential development. Using Gross Floor Area (GFA), especially with some industrial uses, does not necessarily provide a true representation of development contributions that would otherwise be payable. For example some uses tend to have a small site office, but large outdoor sealed areas for business purposes, storage etc.
	Flexibility for Council to set a rate (up to the maximum). Council must determine what rate to levy. There is risk that without more guidance on what % rate Council should use, there could be inconsistent implementation between local government areas which reduces certainty for industry. Further explanation and clarification on how GFA is used for calculating development contributions and whether it is to be used at the nearest square metre or at a certain number of decimal places. Standardising this will have benefits and make the system easier to understand across NSW.
	<p>Indexation using Producer Price Index (Road and Bridge Construction – NSW) – it is generally higher than CPI which is supported as being more in keeping with increasing construction costs.</p> <p>However, the largest cost is the acquisition of land. A separate index is required for the land component of the Plans.</p>
	<p>The proposed s7.12 reforms are simpler in respects that cost is not a factor – no need to review cost summaries, or work out what costs are, or are not included in the cost of development. No contributions collected for subdivisions, non-bedroom extensions.</p> <p>Many accredited certifiers do not currently condition and calculate development contributions appropriately, resulting in underpayments and pushing the burden on to Council to chase up the contribution. This forces Council to check a greater amount of CDCs for development contributions, while the fee for processing CDC is only \$36 per application. Further education and explanation to accredited certifiers of their responsibilities when issuing CDCs would lead to less confusion with applicants, and CDCs being lodged will have less administrative costs.</p>
	Council does not support major change to the charge process. DPIE support for Council's is required to implement the new charge process due to the move from simple to a complex system. A staggered approach to implementing the new system is required to ensure a smooth transition.
	<p>Simpler to work out exemptions – only based on development type or who the developer is – cost does not play a factor. There is however a risk that development is not described correctly to avoid contribution amount. For example there could be an increase in proposed 'study rooms' to minimum number of bedrooms. Conversely a system that charges a contribution for rooms capable of use as a bedroom would seem unfair.</p> <p>It appears that the burden of contribution sits with residential development. DPIE should clarify if that is the intent?</p>
	There is a real risk of cost and resource burden to impact Local Government in terms of upgrading systems to levy the new style of contributions rates. DPIE training for Council officers should be provided.
Public	Brings exhibition requirements for "other" planning agreements in line with those done in

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Reform Item	Council officers Submission statement
DPIE reform	
<i>Notice/Exhibition of Planning Agreements</i>	conjunction with DAs or Planning Proposals. This approach is generally supported by Council officers. We also support changes to improve transparency of the requirements for and timing of the exhibition of planning agreements with the mandatory exhibition period being included in Schedule 1 of the EP&A Act.
<i>Reporting requirements for affordable housing contributions</i>	The proposed reporting requirements are generally supported by Council officers. It would be beneficial for all Councils if DPIE provide a reporting template.
<i>Simplifying and standardising exemptions</i>	<p>Council officers see the benefit in the simplification of exemptions, as well as incorporating Environmental Planning and Assessment (Local Infrastructure Levies) Direction 2015, State Environmental Planning Policy (Three Ports) 2013 and State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 into the EP&A Regs.</p> <p>There may be scope to extend this to the exemptions outlined in Circular No. D6 (Revised 21 September 1995) from the former Department of Urban Affairs and Planning. It is understood that the document is still regarded as current, and there are specifics contained within it which relate to exemptions from development contributions for certain types of development. Incorporating this into the amended Regulation or as a minimum, providing a refresh of the document in relation to the current contributions regimes would be welcomed. If circular No.6 is no longer current this should also be clarified.</p>
	Time limit should be applied for Environmental Planning and Assessment (Local Infrastructure Levies) Direction 2015. There are cases where only minimal amounts were levied historically under Section 94 of the EP&A Act. To provide an exemption from future development contributions for the life of the property (unless greater demand for community infrastructure) does not make sense from an infrastructure demand perspective, as there are instances where properties within s7.12 areas have paid contributions above and beyond that of historical section 94 levied areas. Many of these older sites are currently at the cycle of development where they are being redeveloped as new, larger housing which consequently increases demand on community infrastructure. For example old, small housing stock (two bedroom houses) are being replaced by 4 - 6 bedroom houses which are still exempt from any further contributions under s7.12 of the Act).
	Clarification is also required to explain if the above mentioned exemption applies where an additional bedroom is being added to an existing dwelling where the former s94 development contributions were levied. The new s7.12 system levies an amount for additional bedrooms, which implies that they increase demand on community infrastructure compared to the initial dwelling that was developed on the land.
	Council officers understand that the Planning Portal may be able to calculate contributions in the near future under the new system. There would be issues with the Environmental Planning and Assessment (Local Infrastructure Levies) Direction 2015 as each Council will need to check the history of each lot to determine whether the ministerial direction/exemption applies to the lot and the development proposed. This would require manual searches which is not supported. Upgrades to the portal should consider this task.
	Council officers see benefit providing flexibility that allows Council to identify additional exemptions to reflect local circumstances.
<i>Better aligning infrastructure contributions and strategic planning and delivery</i>	Council officers welcome clarification and explanation of when public exhibition is not required for development contributions plans. It is noted that Contributions Plans would be required to be reviewed/remade prior to 1 July 2024 and that the plans must be reviewed every 4 years.
<i>Clause 136K - Conditions on complying development</i>	Council is seeking further support from DPIE to ensure all Accredited Certifiers condition development contributions appropriately. There is currently a resource burden on Councils' being required to check each Complying Development Certificate (CDC) and

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Reform Item	Council officers Submission statement
DPIE reform	
<i>certificates issued for development for which a local infrastructure condition or local levy condition may be imposed</i>	<p>chase up certifiers and applicants where conditions are not applied or complied with.</p> <p>It is recommended that the State Government undertake an education program to ensure Accredited Certifiers include an infrastructure condition or local levy condition where it applies, and that contributions must be paid prior to the commencement of works. It is Council officers' experience that many CDCs fail to include conditions, or only include a general condition with no monetary amounts included. Consideration of more regulation and enforcement by the State is also needed.</p>
	<p>In addition to DPIE there is a role for the Builders Professional Board to conduct an audit of CDCs issued which would show compliance, or lack thereof, of accredited certifiers conditioning development contributions appropriately. Through both DPIE and the Board more guidance for the industry clarifying where the responsibility lies when development contributions have not been conditioned on the Complying Development Certificate.</p>
<i>Practice Note Review</i>	<p>It is noted that the new practice note would replace the current. Council officers welcome further clarification on how administration costs are treated in s7.12 Plans.</p> <p>Parts relating to Planning Agreements are included in the various proposed modules, but there is no specific Planning Agreement module. The previous Planning Agreement Practice Note, which was published in February 2021 provided a comprehensive reference to basic procedures, negotiation as well as administrative direction relating to PAs. Is or will there be a PA practice note? Council officers recommend that the PA be updated.</p>
<i>Land Value Contribution exhibition paper</i>	<p>Council officers are concerned that this proposed contribution approach is overly complicated and therefore inconsistent with the new principles including simplicity. The complexity is also likely to become a resource burden for Councils. During DPIE webinars it was clear to Council officers that much more work is needed from DPIE to explain and provide clear guidance on this new contribution. Therefore it is suggested that more clarity is needed before any change is implemented.</p>
	<p>As the use of the Land Value Contribution is only an option that will be taken up by some Councils and for some rezoning's, it will only have benefit in limited areas and the existing issue will remain across most council land areas. Landowners developing their land will still have an expectation to receive market rates for the land that they are required to provide for public purposes.</p>
	<p>As part of a rezoning and urban development, providing public infrastructure to support the residential development is essential. These costs are often shared with adjoining land owners whose developments also create the need for the infrastructure. Therefore, it is not considered reasonable for developers to expect to receive market rates for the land that is required to service their development. Rather, they should expect a reasonable amount that reflects its constrained nature and / or limited use.</p>
	<p>The land value contribution is based on a % of the total area at the time the payment is triggered. Therefore, this could significantly change if the payment is triggered now or in the future. Understanding and forecasting likely revenue will as a result become difficult for Councils.</p>
	<p>It is unclear how/when the land is transferred to council and how/when the landowner is compensated.</p>
	<p>It is noted that the land is valued based on the value of land for rating purposes as defined by the NSW Valuer General under the Valuation of Land Act 1916, and not market rates.</p>
	<p>An alternative solution that could be explored and that will provide a broader resolution of the fundamental issue is:</p> <ul style="list-style-type: none"> • The existing s7.11 framework is used. Where land is identified during a rezoning (or other time) it is included in a contributions plan and the value only increases with indexation. • That is, a limit is set on the amount that a landowner is compensated for providing land to be used for public purposes to facilitate their development. This

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Reform Item	Council officers Submission statement
DPIE reform	
	<p>establishes certainty for all parties that a market land valuation that exponentially increases as a result of a rezoning will not form the basis for landowners being compensated for providing land for public purposes as a result of their development.</p> <ul style="list-style-type: none"> • One option for valuing the land identified for public purposes during a rezoning (or other time) is to introduce a capped rate per hectare, indexed quarterly or annually in line with a relevant land index. • Another option is using the land valuations based on the land value used for rating purposes • Either way, establishing a consistent method for valuing land for public purposes, such as capped rates by land use or the value for rating, rather than market rates, will provide certainty to the landowner and other developers in terms of their contribution to be paid. It will also allow the existing and established practice of s7.11 contributions plan to continue to be an efficient way of levying land for public purposes.
Regional Infrastructure Contribution	
<i>General comments and questions</i>	<p>Council officers provided a detailed submission to the June 2020 'Improving the Infrastructure Contributions System' exhibition. The 2020 DPIE exhibition included 'Draft SIC guidelines'. As RICs are now proposed to replace SICs have the comments provided in Council's June 2020 submission been considered as part of the RIC development? Council officers consider these comments are still relevant.</p>
	<p>More clarity on the proposed process to transition SICs to RICs is needed. The Illawarra/Shoalhaven SIC determination was made during 2021. This came more than 10 years after the draft West Lake Illawarra SIC determination was exhibited.</p> <p>Council officers have worked closely with the Illawarra Shoalhaven Urban Development Program Committee to provide a regional position on priority infrastructure requirements for the region's major release areas. This work is reflected in the 2021 SIC determination. Therefore it is crucial that the specific infrastructure schedule included in the SIC determination is kept and transitioned to any new RIC for the Illawarra / Shoalhaven region. That way there will be limited impact on existing infrastructure commitments.</p> <p>Existing SIC contribution rates should be translated fairly to RIC.</p>
	<p>Will the proposed RIC discount rate for 2022/23 and 2023/24 apply to current SICs? To ensure equity between and within regions it is important that the same discount rates are adopted during the transition phase.</p>
	<p>There appears to be a disconnect between the scenarios of the base RIC contribution rate and the proposed catchment specific Bio certification and Transport component rates. The Bio certification and Transport component rates have a direct nexus between the benefit and those to be charged. Will there be a clear benefit to all base RIC contribution rate payers in terms of the infrastructure that base rate is spent on? The broad regional benefit should be further clarified.</p>
	<p>The framework for how major transport projects are to be determined is still ongoing. It therefore seems too early to propose a contribution rate. There appears to be a lot of work to be undertaken prior to implementing a proposed RIC system. Council should be provided more opportunity to comment on any further RIC framework clarity prior to implementation of the proposed framework.</p>
<i>RIC discussion paper</i>	<p>There remains uncertainty regarding what infrastructure benefits will come from the RIC charge. Council officers are seeking more clarity and certainty on what infrastructure projects RIC will be spent on. Without that clarity it is hard to understand what benefits RIC will produce apart from a known charge to factor into development costs.</p> <p>If the intent is to fix uncertainty of infrastructure contributions it is a reasonable expectation that Local Government and applicants of development know what infrastructure their contributions will be spent on before the Government starts collecting the RIC.</p>

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Reform Item	Council officers Submission statement
DPIE reform	
	Important to ensure equity. How will the whole catchment funding RIC benefit from expenditure? RIC will be collected across whole regions. Will those whole region catchments directly benefit from the 'priority growth infrastructure' or will only priority growth areas benefit?
	The RIC appears to have a large focus on transport infrastructure. For example transport infrastructure and regional and State roads are listed separately under the base RIC contribution rate. In addition there is the option for a 'major transport' contribution on top of the base rate. As a State contribution it is reasonable to expect the base rate would contribute to major transport projects. Other important regional infrastructure should be emphasised for support such as securing growth related school sites.
	Approach to Biodiversity costing across contributions catchments. There appears to be major difference between the proposed Cumberland Plain Conservation Plan based SBC v's the Illawarra Shoalhaven SIC identified WD Bio certification SIC component. While the case by case calculation approach is noted and understood, the idea of achieving a relatively consistent standard of contribution across the state is challenged by this major difference. As a conservative comparison the \$5,000 per dwelling approach proposed for the Cumberland Plain would result in \$85,000,000 revenue for conservation in West Dapto if it were applied (this comparison is based on 17,000 dwellings at West Dapto which is a conservative estimate). However the Illawarra Shoalhaven SIC has allocated just \$20,000,000. It is not apparent that the Cumberland Plain context compared to West Dapto warrants such a major difference.
	Section 4.3 digital tool concept is generally supported. Timely DPIE provision of training and a responsive help line during initial stages will be important to assist Councils with implementation.
	Section 5.1. Investment Program overview. Makes reference to infrastructure investment being aligned with timeframes for land-use planning, rezoning and forecast development. However, RIC payments are to be made prior to subdivision certificate stage which is well past the rezoning stage. Not clear how the investment could be linked to the rezoning stage in that case?
	Section 5.2 Investment prioritisation. Who will be responsible for preparing and reviewing Growth Infrastructure Needs Assessments? Will Local Government have input and at what stage in the process?
	The stage 3 Project Evaluation and Approvals process refers to state agency and local council submissions seeking RIC funding would be assessed by NSW Treasury as part of the State Budget process. Is this for consideration in stage 1? It is important that delivery follows the stage 1 identified 10 year investment priorities to provide the certainty required for long lead time infrastructure projects.
<i>State Environmental Planning Policy Explanation of Intended Effect (EIE)</i>	Council officers support a lower rate for residential development within the regions reflecting a different feasibility context compared to the Greater Sydney Region.
	Secondary dwellings are proposed to be exempt from RICs Council currently charges local contributions for secondary dwellings. As part of the overall reform process a clear policy setting should be established to guide contributions for secondary dwellings at all levels.
<i>Infrastructure delivery agreements, RIC state planning agreement guidelines</i>	Risk of development specific benefit v's regional benefit via IDAs. The discussion paper outlines an Infrastructure Delivery Agreement as an option for development to meet their RIC obligation. This is a reasonable option. However, it will be important that any infrastructure identified in an IDA to be delivered by a developer is also infrastructure that has broad regional growth infrastructure benefit.

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Reform Item	Council officers Submission statement
DPIE reform	
<i>RIC governance and prioritisation guidelines</i>	Prioritisation Process. RIC will be one of many sources of funds required to deliver state infrastructure required for growth in the regions. Therefore, although there is a commitment to only spend RIC money in the region where it is collected, the support for projects will be a contest with other regions due to the need to access general State revenue. It is important that regions are represented equitably in the broader infrastructure funding determinations. Where needed, forward funding of state infrastructure should be considered to support regions. Particularly as a broad base of revenue will now be available to service any borrowing that the State may need to make.
<i>RIC feasibility analysis</i>	<p>The economic analysis is missing the expenditure benefit component. What will RIC be spent on? Understanding the cost / benefits should also be explored and not just the capacity of development to pay. Proposed TPC and SBC rates should also be subject to economic analysis prior to implementation.</p> <p>We know in the Illawarra / Shoalhaven region based on the current SIC that contributions will account for 10% of priority growth area regional transport project funding. We need to understand what % the RIC contribution will represent in comparison. In either a RIC or SIC scenario there is a need for more commitment to programmed delivery of growth reliant regional / state infrastructure.</p>
	<p>The analysis recognises that further understanding is needed of some non-private dwellings (particularly tourist and visitor accommodation)</p> <p>Council officers agree that the infrastructure demand from all land uses should be clearly understood before determining exemptions.</p>
	<p>"In emerging high density markets where sale values are comparatively 'low' to the rest of Greater Sydney, feasibility impacts are observed to be greater."</p> <p>Diversity and choice of housing is an important outcome to achieve in the state's growth areas. It will be important to ensure the RIC does not result in a disincentive to provide higher densities in areas that strategic planning has identified would benefit from higher density (such as adjoining regional centres of activity).</p>
	The feasibility analysis recommends staggered RIC, water charges and higher s712 charges over 3 – 5 years. As RIC is the largest proposed change to the contributions system it should not be rushed to implementation. 1 July 2022 is unreasonable. If the RIC is to be implemented a start of 1 July 2023 and transition would be better.
	Council officers agree regular review of RIC will be needed. Not only on development and take up impact but on benefits to the community and regions.
	It is noted that all case studies referenced are in the greater metro. Prior to transition to a RIC in the Illawarra Shoalhaven Region a specific feasibility analysis should be undertaken. This should consider benefits to the region not just a test of capacity to pay.
	Section 6.3.2 seems to make a link between rezoning and major transport infrastructure. Therefore not clear why regional catchment RIC would apply and also why RIC would apply on DAs for Major Transport. If it is to apply to a specific area it should be at the rezoning stage. The Productivity Commission recommendations appear to link major transport to rezoning?
	It is noted that RIC is not proposed to be charged on super lots. How will super lots be defined? There should be a charge on super lots which can come off any future subdivision or mutli dwelling developments.
	RIC Fund Investment Program. Council officers support State agencies better linking programmed infrastructure delivery to new growth. This link can be achieved without introducing a new contribution scheme. If the RIC framework is not implemented the State should still ensure the programmed link between infrastructure delivery and new growth.
IPART	
Essential Works List and Benchmarks	

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Reform Item	Council officers Submission statement
DPIE reform	
	<p>Comments below relate to the IPART review of essential works list, nexus, efficient design and benchmark costs for local infrastructure draft report, October 2021. The comments focus on the IPART draft findings and recommendation and 'draft decisions' included in the IPART report.</p>
	<p>IPART draft decision 1 – Council officers note that the essential works list is proposed to be expanded to include:</p> <ul style="list-style-type: none"> • strata space for community facilities, and • borrowing costs to forward fund infrastructure. <p>We welcome the inclusion of the additional items into the essential works list.</p> <p>Council officers note that the building works required to deliver community facilities and complete costs for open space items (beyond base level embellishment) are excluded from the essential works list and funds cannot be levied through s7.11 plans for such infrastructure. We remain concerned that these two essential infrastructure items continue to be excluded.</p> <p>It is understood the Terms of Reference provided to IPART specified this could not be expanded regarding open space and community facilities, Council officers are of the opinion that growth areas such as West Dapto Urban Release Area should be able to levy costs for all aspects of open space, recreation and community facilities that are development contingent. The State should support inclusion of these items in the final essential works list to ensure their delivery by local government.</p> <p>Without the inclusion in the essential works list these essential infrastructure items will need to be funded from other sources which creates a competition of funding with essential services within the LGA.</p> <p>If base level embellishment continues in the final essential works list as much clarity as possible should be provided to define what can and cannot be considered as base embellishment.</p>
	<p>Council officers are supportive of draft decision 2 regarding development contingent local infrastructure.</p>
	<p>Draft decision 3 and 4.</p> <p>Council officers see the merit in costs, as a minimum, reflecting the base level efficient local infrastructure required to meet the identified demand.</p> <p>The Benchmark costs and scopes proposed through the report under separate cover (Typical scopes and benchmark costs of local infrastructure) differ to those adopted through the West Dapto Development Contributions Plan 2020. The proposed benchmark cost relating to, for example transport infrastructure, vary significantly to the current adopted West Dapto Development Contributions Plan 2020. Depending on the locality variables input into the benchmark, the benchmark cost is estimated to be in the order of 60% of that of the current rate adopted in the West Dapto Development Contributions Plan.</p> <p>Application of such benchmark costs in s7.11 plans will magnify the funding shortfall to provide essential infrastructure. Supplementary funding (Council rate revenue) will be relied on to build adequate base level essential infrastructure to service the urban release area. This would be at the cost of other essential services ordinarily expected to be provided through the expenditure of general rates revenue.</p>
	<p>Draft decision 5. Council officers are supportive of including project allowances as a standardised approach. Allowance for contingency, project management and design are all supported. Specifically factoring in cultural heritage is also supported. In addition there is an opportunity to consider cultural strategy benefits in infrastructure design such as implementation of a public arts strategy through the design of essential infrastructure. The contingency rates proposed are considered generally reasonable.</p>
	<p>Draft decision 6. Council officers are supportive of the approach proposed. Benchmark cost for plan administration should be set at 1.5% of the total value of works to be funded</p>


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Reform Item	Council officers Submission statement
DPIE reform	
	as a minimum.
	Draft decision 7. Council officers support regular IPART benchmark cost updates. An annual indexation approach consistent with the DPIE reforms proposed indexation approach is supported. When Councils undertake a comprehensive review of contribution plans the project from start to finish can take two years when factoring in revised infrastructure scopes, draft CP exhibitions, Council reporting, IPART assessment including draft and final reports, Minister direction and finally Council adoption. Therefore it may be more appropriate for IPART to review costs every two to three years while maintaining an annual indexation approach.
	Draft decision 8. Council officers support regular IPART review of benchmarks and ensuring that review is undertaken no less frequently than every 4 years.
	Draft decision 9. Council officers support IPART working with DPIE and Council to establish a mechanism for obtaining actual project costs to refine the benchmarks.
	Draft decision 10. Council officers consider the principles outlined in section 9.2 recommended for Councils to follow when developing their own cost estimates are reasonable. Principle 1 suggests contributions plans should include benchmark costs unless the council has reason to believe the benchmark would not provide a reasonably accurate estimate. Using benchmarks is more likely to be supported if the IPART draft decisions 8 and 9 are also committed to as they will ensure benchmarks remain more relevant.
	Draft decision 11. Council officers agree it is reasonable to use the most accurate information where it is proposed to use specific council costs and not the IPART benchmarks.
	Draft decision 12. Council officers are supportive of a minimum 4 year review process for contribution plans. Council officers also seek clarification of the timing requirements for our current review of the West Dapto Development Contributions Plan 2020 which is a 3 year review due in December 2023. Should Council now target December 2024 as a deadline for the review?
<i>Cardno Supplementary Report – Benchmark Datasheets 10 November 2021</i>	Council officers have reviewed the Cardno supplementary report and offer the following comments:
	The Report does not compare the unit costs for specific (stormwater) items against the widely accepted Rawlinsons Australian Construction Handbook. This handbook provides cost estimates for various items used in construction works. This would validate the estimates provided in the Cardno report for specific stormwater items.
	The Report does not appear to consider the co-location of items from the essential works list to enable cost efficiencies, but rather treats each item individually. For example, a proposal within a release area including a playing field which functions as a detention, and also a bioretention facility within the detention basin cannot be easily costed from the Cardno report, and would likely be overestimated if using this report. Shared use is promoted elsewhere in the DPIE contributions reform. Therefore it should be costed.
	The Report does not provide a clear depiction of the available benchmark items in the item datasheet contents (page 8), but rather individual items are located under a sub-item listed within the main item. For example see item 2.04 (bioretention basin) and sub-items including swales and bioretention basins/trenches listed as 2.04.1 to 2.04.5. This embedment under a main item is not helpful for the user – instead all available items should be included in a single table for possible inclusion within a S7.11 Contributions plan.

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Reform Item	Council officers Submission statement																		
DPIE reform	<div><div><div>2. Stormwater/ Transport Stormwater</div><div><div>2.01</div><div>Culvert</div></div><div><div>2.02</div><div>Combined basin and raingarden facility</div></div><div><div>2.03</div><div>Single raingarden facility</div></div><div><div>2.04</div><div>Bio-retention basin</div></div><div><div>2.05</div><div>Bio-retention filter</div></div><div><div>2.06</div><div>Not used</div></div><div><div>2.07</div><div>Not used</div></div><div><div>2.08</div><div>Wetland basin</div></div><div><div>2.10</div><div>Detention basin / Enhanced Storage Area</div></div><div><div>2.11</div><div>Gross pollutant trap</div></div><div><div>2.12</div><div>Not used</div></div><div><div>2.13</div><div>Stormwater pipe</div></div><div><div>2.14</div><div>Stormwater headwall</div></div><div><div>2.15</div><div>Stormwater pit</div></div><div><div>2.16</div><div>Stormwater channel/open channel</div></div><div><div>2.17</div><div>Stormwater channel stabilisation</div></div></div></div> <div>Extract of page 8 from Cardno Supplementary Report – Benchmark Datasheets 10 November 2021</div>																		
	<p>The Report appears to underestimate the value of Gross Pollutant Traps (GPT) when compared to previous quotations received as part of the 2020 West Dapto Development Contributions Plan. For example, a comparison of two equivalent GPT units shows a significant difference even without considering indexing of the 2019 quotes that Council officers received during the preparation of the contributions plan – see table below:</p> <table><tr><th>Item Reference</th><th>Outlet size diameter</th><th>Total Cost (supply + install)</th><th>Cost Difference</th></tr><tr><td>2019 quotation – WCC</td><td>1350mm</td><td>\$205,000</td><td rowspan="2">\$55,000</td></tr><tr><td>2021 datasheet – Cardno – item 2.11.3</td><td>1200mm</td><td>\$150,000</td></tr><tr><td>2019 quotation – WCC</td><td>525mm</td><td>\$50,000</td><td rowspan="2">\$15,000</td></tr><tr><td>2021 datasheet – Cardno – item 2.11.1</td><td>450mm</td><td>\$35,000</td></tr></table> <p>The report has an insufficient number of sub-items for GPTs to select appropriate sizes for specific catchments sizes. In addition, further information should be provided against each sub-item that considers the range of catchment and flow capacity for each GPT item. The current draft table only has 3 sub-items to choose from – see 2.11.1 to 2.11.3 below:</p>	Item Reference	Outlet size diameter	Total Cost (supply + install)	Cost Difference	2019 quotation – WCC	1350mm	\$205,000	\$55,000	2021 datasheet – Cardno – item 2.11.3	1200mm	\$150,000	2019 quotation – WCC	525mm	\$50,000	\$15,000	2021 datasheet – Cardno – item 2.11.1	450mm	\$35,000
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Reform Item	Council officers Submission statement																																																																																																														
DPIE reform	<div><div><div></div><div>Supplementary Report - Benchmark Datasheets Benchmark Costs for Local Infrastructure</div></div><table><tr><th colspan="5">Item Definition</th></tr><tr><td>Item Name</td><td colspan="4">Gross pollutant trap</td></tr><tr><td>Item No.</td><td colspan="4">2.11</td></tr><tr><td>Functional Description</td><td colspan="4">Primary pollution devices including proprietary devices</td></tr><tr><td>Inclusions</td><td colspan="4"><ul style="list-style-type: none">As per manufacturers specifications</td></tr><tr><td>Key scope of work inclusions</td><td colspan="4"><ul style="list-style-type: none">Excavation and backfilling but excluding reinstatement of any hard surfacingImported stabilised fill materialInstallation worksConnection into network</td></tr><tr><td>Exclusions (may be reasonably required)</td><td colspan="4"><ul style="list-style-type: none">N/A</td></tr><tr><td>Exclusions (exceed minimum requirements)</td><td colspan="4"><ul style="list-style-type: none">N/A</td></tr><tr><td>Key identified risks</td><td colspan="4"><ul style="list-style-type: none">Removal of excess spoilWaste levy allowancesExcavated material other than VENMEncountering rockDewateringStockpile location located further than 500m from site</td></tr><tr><td>Sub-item details</td><td>2.11.1</td><td colspan="3">Proprietary GPT system – outlet size 450mm diameter</td></tr><tr><td></td><td>2.11.2</td><td colspan="3">Proprietary GPT system – outlet size 750mm diameter</td></tr><tr><td></td><td>2.11.3</td><td colspan="3">Proprietary GPT system - outlet size 1200mm diameter</td></tr><tr><td>Specific sub item information</td><td colspan="4"><ul style="list-style-type: none">Sub items 2.11.1 - 2.11.3 - Proprietary GPT systemGross Pollutant Trap, proprietary system based on industry standard</td></tr><tr><td>Applicable standards</td><td colspan="4"><ul style="list-style-type: none">Australian Runoff Quality: A Guide to Runoff Quality (Engineers Australia, 2007)WSUD Technical Guidelines for Western Sydney (URS, 2004)Water Sensitive Urban Design Book 1 Policy (Landcom, 2009)</td></tr><tr><th colspan="5">Cost information</th></tr><tr><td>Methodology</td><td colspan="4"><ul style="list-style-type: none">Reference pricing</td></tr><tr><td>Benchmark base cost</td><td>#</td><td>Item/ sub-item</td><td>Unit</td><td>\$/ Unit</td></tr><tr><td></td><td>2.11.1</td><td>Proprietary GPT system - outlet size 450mm diameter</td><td>each</td><td>35,000</td></tr><tr><td></td><td>2.11.2</td><td>Proprietary GPT system - outlet size 750mm diameter</td><td>each</td><td>65,000</td></tr><tr><td></td><td>2.11.3</td><td>Proprietary GPT system - outlet size 1200mm diameter</td><td>each</td><td>150,000</td></tr><tr><td>Banding</td><td colspan="4"><ul style="list-style-type: none">N/A</td></tr><tr><td>Minimum quantity</td><td colspan="4"><ul style="list-style-type: none">N/A</td></tr></table><p>Extract of page 64 from Cardno Supplementary Report – Benchmark Datasheets 10 November 2021</p><p>The Report does not account for proprietary water quality devices for secondary and tertiary treatment. There are numerous products available which can be installed on site rather than constructing a raingarden or bioretention basin or wetland device. It is recommended these products are considered further by IPART.</p></div>	Item Definition					Item Name	Gross pollutant trap				Item No.	2.11				Functional Description	Primary pollution devices including proprietary devices				Inclusions	<ul style="list-style-type: none">As per manufacturers specifications				Key scope of work inclusions	<ul style="list-style-type: none">Excavation and backfilling but excluding reinstatement of any hard surfacingImported stabilised fill materialInstallation worksConnection into network				Exclusions (may be reasonably required)	<ul style="list-style-type: none">N/A				Exclusions (exceed minimum requirements)	<ul style="list-style-type: none">N/A				Key identified risks	<ul style="list-style-type: none">Removal of excess spoilWaste levy allowancesExcavated material other than VENMEncountering rockDewateringStockpile location located further than 500m from site				Sub-item details	2.11.1	Proprietary GPT system – outlet size 450mm diameter				2.11.2	Proprietary GPT system – outlet size 750mm diameter				2.11.3	Proprietary GPT system - outlet size 1200mm diameter			Specific sub item information	<ul style="list-style-type: none">Sub items 2.11.1 - 2.11.3 - Proprietary GPT systemGross Pollutant Trap, proprietary system based on industry standard				Applicable standards	<ul style="list-style-type: none">Australian Runoff Quality: A Guide to Runoff Quality (Engineers Australia, 2007)WSUD Technical Guidelines for Western Sydney (URS, 2004)Water Sensitive Urban Design Book 1 Policy (Landcom, 2009)				Cost information					Methodology	<ul style="list-style-type: none">Reference pricing				Benchmark base cost	#	Item/ sub-item	Unit	\$/ Unit		2.11.1	Proprietary GPT system - outlet size 450mm diameter	each	35,000		2.11.2	Proprietary GPT system - outlet size 750mm diameter	each	65,000		2.11.3	Proprietary GPT system - outlet size 1200mm diameter	each	150,000	Banding	<ul style="list-style-type: none">N/A				Minimum quantity	<ul style="list-style-type: none">N/A			
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WOLLONGONG CITY COUNCIL

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Independent Pricing and Regulatory Tribunal
PO Box K35
Haymarket Post Shop
SYDNEY NSW 1240

Our Ref:
File:
Date:

Z21/154495
FI-002.10.1.1.006
16 July 2021

SUBMISSION TO THE DRAFT REPORT JUNE 2021 – REVIEW OF THE RATE PEG TO INCLUDE POPULATION GROWTH

Wollongong City Council (Council) would like to thank IPART for the opportunity to respond to its review and draft report on the inclusion of population growth into the Rate Peg. While your direct questions relate primarily to the method of calculation of population growth, Council would like to reiterate that its preferred approach to effectively and equitably managing growth in a local government area would be through the application of Capital Improved Valuation (CIV) as an option for rating. Council would urge the continued pursuit of this outcome through IPART and the State Government in the future.

Council does acknowledge that the proposed methodology for the inclusion of growth in the Rate Peg calculation would provide a reasonable representation of the residential growth of the City and would provide better alignment between Council's increased costs incurred through residential growth and the revenue received to support services for that community. Like IPART, Council is aware that the current calculation does not fully represent the increased population growth or costs incurred and has supported reform that would support such a change.

Council also agrees that the methodology needs to include a net growth result that is inclusive of the portion of growth that is already achieved through the supplementary valuations process. Council's analysis of recent years indicates that on average about 50% of the growth has been achieved through supplementary valuations.

Council also agrees with IPART that the proposed system should provide outcomes that:

- maintains total per capita general income over time;
- reflects a linear relationship between population growth and council costs;
- is based on the change in residential population for each council, and
- applies to all councils, including those experiencing low growth.

While Wollongong City Council agrees that the methodology proposed reflects relationship between population growth and Council costs, it still believes that growth and costs to Council extend beyond 'population'. Cost is also linked to the business and employment growth, especially when considering a regional council such as ours that supports areas and populations outside our Local Government Area. Council is disappointed that the current proposal will not provide for growth in business properties.

While the IPART proposed approach will lead to higher growth in rates revenue that better represents the increase in population and will allow Council to better meet the costs of increased service, the allocation of rates will remain an important consideration. We understand IPART has suggested that 'while the impact on individual ratepayers may vary, on average new ratepayers will pay most of the additional rates revenue' and 'given this...additional protections for existing ratepayers are not necessary at this stage'. We would argue that due to the nature of Council's rates structure that applies a 50% Base charge (fixed amount) and an ad valorem amount (percentage of valuation), the percentage increases will be higher for higher valued properties and lower for lower valued properties, while all properties will pay more.

Wollongong City Council also remains concerned particularly with previous decisions not to address the cost burden of non-rateable property and pensioner rebates. Council has made submission seeking variation on a number of these issues including the current exemptions legislation (non-rateable properties) that was broadly argued on a principle that residential properties should incur rates. This is consistent with a population based approach that increases revenue requirements in line with population growth. The proposed IPART methodology would, for example, increase rates revenue based on population growth in non-rateable residential property. While the rate income would increase, that increased amount must be applied to existing ratepayers who would bear the burden of increased population living in non-rateable property. While this is not preferable, it is consistent with what happens with existing properties when they convert from rateable to non-rateable and would be best addressed through further consideration of exemptions.

In terms of the specific questions ask by IPART the following is provided.

- 1 **Should our methodology be re-based after the census every five years to reflect actual growth?**
- 2 **In the absence of a true-up, should we impose a materiality threshold to trigger whether an adjustment is needed on a case-by-case basis to reflect actual growth?**

There are undoubtedly numerous methods for calculating population growth and presumably each will have specific issues. The use of local government area (ERP) specified by the Australian Bureau of Statistics (ABS) appears to be a valid source, although there is potentially some concern with the lag between actual growth and its application. The proposed source will effectively be applied to a rating year that commences two years after the period of estimated growth. This lag may, at times, have impact on the rates and their distribution of rates that will be reflected in changes to the average rate that theoretically should be maintained in real terms.

In reviewing the estimated residential population (ERP) for Wollongong over recent publications, it has been identified that there have been retrospective changes to estimates from year to year. These changes may have implications on the applied formula. Three data sets for the preceding year show this.

	2020	2019	2018	2017	2016	2015	2014
2001-2018 ABS			216,071	213,281	210,394	208,313	206,415
2001-2019 ABS		218,114	215,856	213,281	210,394	208,313	206,415
2001-2020 ABS	219,798	218,856	215,856	213,281	210,394	208,313	206,415

It can be seen in these numbers that the 2001-2018 estimated population for 2018 of 216,071 was revised downwards in the 2001-2019 statistics to 215,856 and the 2001-2019 figure for 2019 was revised upwards from 218,114 in the 2001-2020 estimates to 218,856. The impact of applying the calculation for the change in population from a single data set, therefore, would produce inconsistencies and potentially higher or lower rate variation percentages. The cumulative effect of such changes could be significant.

It is contended that the formula should be based on the estimates provided and applied in the first instance for each year. By applying the numbers reported each year, the system would true itself up each year based on the latest estimate of population against the previously applied estimate. The table below shows the varying population indexes and cumulative effect for Wollongong City Council, where the first line is derived by applying the numbers published in a single year and the second variation (2) based on the numbers as first published in each year.

	2019-20	2018-19	2017-18	2016-17	2015-16	2014-15	2013-14
Change in Population	0.430%	1.046%	1.308%	1.372%	0.999%	0.920%	0.834%
Change in Population 2	0.772%	0.946%	1.308%	1.372%	0.999%	0.920%	0.834%
Cumulative PopN Index	106.228	105.773	104.678	103.326	101.928	100.920	100.000
Cumulative PopN Index 2	106.484	105.668	104.678	103.326	101.928	100.920	100.000

The variations in the prior years based on using a single year's numbers would have reduced income indexation from 6.484% to 6.228% (0.256% variation).

Presuming that the ABS consider census data as it becomes available in its estimates, it is considered that the linear application of the estimated growth based on information applied in the first instance will provide a reasonably sound progression without the need for 'true-up' of information external to the ABS process.

Please contact me should you require further information.

This letter is authorised by

Brian Jenkins
Chief Financial Officer
Wollongong City Council
Telephone (02) 4227 7111

NSW Productivity Commission's Review of Infrastructure Contributions in NSW



NSW Government Response

NSW Government Response to NSW Productivity Commission's Review of Infrastructure Contributions in NSW

Item	Recommendation	Response
2.1	Enhance efficiency of the infrastructure contributions system Implement reform to deliver an efficient infrastructure contributions system so: <ul style="list-style-type: none"> local contributions are cost-reflective charges on impactors, applied through a consistent framework but with flexibility for adaptation to local circumstances State contributions are simple and certain charges on impactors and beneficiaries of State service delivery. 	Accept
3.1	Allow councils' general income to increase with population Subject to review by the Independent Pricing and Regulatory Tribunal, reform the local government rate peg to allow councils' general income to increase with population.	Accept
4.1	Develop infrastructure contribution plans upfront as part of the zoning process Amend legislation to require: <ul style="list-style-type: none"> where land is being rezoned, the draft infrastructure contributions plan must be publicly exhibited at the same time as the planning proposal. adoption of the infrastructure contributions plan before any determination is made on a development application. 	Accept. Consideration will be given to managing the time taken for councils to adopt contributions plans, which would otherwise unreasonably delay the rezoning of land.
4.2	Introduce a direct land contribution mechanism to improve both efficiency and certainty for funding land acquisition <ol style="list-style-type: none"> Amend legislation to introduce a direct land contribution mechanism to: <ul style="list-style-type: none"> apply a statutory charge on the land at the time of rezoning that requires land contribution be made require the contribution on sale of the land, or subdivision development application, whichever comes first allow the contribution to be satisfied as a monetary payment, or dedication of land. Consult with key stakeholders from councils and industry in the design and implementation of a direct land contribution mechanism. 	Accept. A case study to be prepared in consultation with the External Advisory Group.
4.3	Issue advice for land valuation to improve consistency and accuracy Develop a practice note, in consultation with the Valuer General, to guide land valuation, including assumptions and methodology, particularly for land that is yet to be rezoned and may be constrained.	Accept
4.4	Index land contribution amounts to changing land values <ol style="list-style-type: none"> The Valuer General prepare a methodology and publish appropriate land value indices. 	Accept

NSW Productivity Commission's Review of Infrastructure Contributions in NSW



NSW Government Response

Item	Recommendation	Response
	ii. Amend legislation to require new contributions plans to separately identify and escalate land contribution amounts by the appropriate index	Accept
	iii. The Minister to direct councils to separately identify and escalate land contribution amounts by the appropriate index when reviewing contributions plans.	Accept
4.5	Section 7.11 contribution plans use benchmark costs Independent Pricing and Regulatory Tribunal to develop and maintain standardised benchmark costs for local infrastructure that reflect the efficient cost of provision.	Accept
4.6	Contributions plans reflect development-contingent costs only i. Apply the essential works list to all section 7.11 contributions plans. ii. IPART to review the essential works list and provide advice on the approach to considering efficient infrastructure design and application of nexus. iii. Subject to review by the IPART issue a revised practice note.	Accept. DPIE and IPART to work together to interpret 'efficient infrastructure design', particularly as it relates to greenfield development and land use planning to support creation of liveable and resilient communities.
4.7	IPART review of contributions plan be 'by exception' and based on efficient costs i. Remove the monetary trigger for review of contributions plans by IPART. ii. Develop Terms of Reference for the IPART to review any costs in a section 7.11 contributions plan on a 'by exception' basis with the option of a 'targeted' review of specific sections of a plan. iii. Prepare a practice note to reflect the 'by exception' review process and requirements for local contributions plans.	Accept
4.8	Contributions plans are prepared using standard online templates i. Develop standard online contributions plan templates for section 7.11 local contributions and section 7.12 fixed levies. ii. Amend legislation to require new contributions plans to be made using the standard templates and housed within the contributions digital tool to be developed on the NSW Planning Portal. iii. Require contribution plans upon review to transition to the digital tool.	Accept
4.9	Encourage councils to forward fund infrastructure, through borrowing and pooling of funds i. Amend legislation to allow: <ul style="list-style-type: none"> pooling of contributions funds as the default option interest costs associated with borrowing for infrastructure to be collected through contributions plans. ii. Incentivise councils to borrow to forward fund infrastructure, including by: <ul style="list-style-type: none"> Treasury Corporation reviewing their lending criteria to consider allowing capital grants and contributions (including infrastructure contributions) to be included in debt serviceability calculations where contributions relate specifically to the project for which council is seeking funding establishing a program to provide an additional financial incentive when councils borrow to build infrastructure. 	Accept

NSW Productivity Commission's Review of Infrastructure Contributions in NSW



NSW Government Response

Item	Recommendation	Response
4.10	Defer payment of contributions to the occupation certificate stage <ol style="list-style-type: none"> Extend permanently the <i>Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020</i> that was introduced as a temporary measure in response to the COVID-19 pandemic. Design the NSW Planning Portal so that the release of occupation certificates is contingent upon payment of infrastructure contributions. Increase oversight of private certifiers by requiring that the certifying authority must confirm payment of contributions before issuing an occupation certificate. Amend legislation to create an offence should certifiers issue a certificate without an infrastructure contribution payment. 	Accept
4.11	Increase the maximum allowable rate for section 7.12 fixed development consent levies <ol style="list-style-type: none"> Amend the maximum rate for section 7.12 contributions as follows: <ul style="list-style-type: none"> \$10,000 per additional dwelling for houses (detached, semi-detached, townhouses) \$8,000 per additional dwelling for all other residential accommodation \$35 per square metre of additional GFA for commercial uses \$25 per square metre of additional GFA for retail uses \$13 per square metre of additional GFA for industrial uses Index contribution rates quarterly using the Producer Price Index (Road and Bridge Construction – NSW) and review periodically (approximately every three to five years) to ensure they remain in line with the intended proportion of development costs. 	Accept. Final rates subject to confirming the charging methodology.
4.12	Planning agreements consistent with the principles-based approach <ol style="list-style-type: none"> Adopt the Draft Planning Agreements Practice Note 2020 and EP&A Regulation amendments exhibited by the Department in April 2020 to provide immediate improvements to the operation of planning agreements. Amend the practice note to embed the principles of the contributions system so that planning agreements are: <ul style="list-style-type: none"> for the delivery of infrastructure to support development that is out-of-sequence or unexpected. to facilitate the direct delivery of development-contingent infrastructure or impact mitigation works. Amend the legislation to require planning authorities to: <ul style="list-style-type: none"> register planning agreements and draft planning agreements in a centralised system, contained within the NSW Planning Portal. 'publicly exhibit' rather than 'publicly notify' planning agreements, including requirements to receive and consider public submissions. 	Accept

NSW Productivity Commission's Review of Infrastructure Contributions in NSW



NSW Government Response

Item	Recommendation	Response
4.13	Publish guidelines for planning agreements for mining and energy related projects consistent with the principles-based approach Publish a guideline for mining and energy related projects consistent with the principles-based approach, so that planning agreements primarily relate to direct delivery of development-contingent infrastructure.	Accept
4.14	Improve accountability for affordable housing contributions i. Require affordable housing contributions received through section 7.32 contribution mechanisms and planning agreements be reported by councils, including: <ul style="list-style-type: none"> the amount of monetary contributions received the value and location of any in-kind provision, both works and land expenditure of monetary contributions transfer and management of assets. ii. Undertake a future evaluation of section 7.32 affordable housing contribution programs to determine their effectiveness and efficiency.	Accept
5.1	Adopt regional infrastructure contributions i. Prepare and implement state contributions for Greater Sydney, Central Coast, Hunter, and Illawarra-Shoalhaven regions.	Accept. Savings and transitional arrangements for SIC determinations made prior to 1 July 2022 to be determined.
	ii. Greater Sydney region charges (subject to no substantial impacts on feasibility) as follows: <ul style="list-style-type: none"> \$12 000 per dwelling for houses (detached, semi-detached, townhouses) \$10 000 per dwelling for all other residential accommodation \$10 to \$15 per square meter for industrial \$20 to \$30 per square meter for commercial \$30 to \$40 per square meter for mixed uses. 	Accept. Final rates subject to confirming the charging methodology.
	iii. Central Coast, Hunter and Illawarra-Shoalhaven region charges (subject to no substantial impacts on feasibility) as follows: <ul style="list-style-type: none"> \$10 000 per dwelling for houses (detached, semi-detached, townhouses) \$8 000 per dwelling for all other residential accommodation \$10 to \$15 per square meter for industrial \$20 to \$30 per square meter for commercial \$30 to \$40 per square meter for mixed uses. 	
	iv. Governance arrangements and criteria for infrastructure projects to be established.	Accept. Allocation methodology to be confirmed.
5.2	Improve guidance for State planning agreements Publish a guideline for State planning agreements to ensure they: <ul style="list-style-type: none"> support out-of-sequence development in areas not supported by special infrastructure contributions plans, or facilitate the direct delivery of development-contingent infrastructure. 	Accept

NSW Productivity Commission's Review of Infrastructure Contributions in NSW



NSW Government Response

Item	Recommendation	Response
5.3	Adopt transport contributions for major projects <ol style="list-style-type: none"> Prepare and implement a transport contribution for major projects that: <ul style="list-style-type: none"> is additional to regional infrastructure contributions, where these apply applies to properties within a service catchment and is subject to additional development capacity created as a result of the investment. Contribution charges should be established for residential and non-residential uses. A minimum charge of \$5,000 per dwelling should be applied, with Transport for NSW required to apply higher charges where costs and benefits are relatively higher. 	Accept. The Minister for Planning and Public Spaces will retain responsibility for adopting a standard approach to development contributions to apply to precincts identified for rezoning in conjunction with new major transport infrastructure. DPIE and Transport for NSW will undertake further work to determine the level of the charge to be levied on future rezonings, having regard to development capacity, feasibility and cumulative impact of development contributions, as well as considering a holistic and strategic approach to future transport infrastructure investment.
5.4	Create a new category of contributions plan specific to biodiversity <ol style="list-style-type: none"> Create a new contribution category under Part 7 of the EP&A Act for biodiversity offsets. Prepare and implement a biodiversity contribution for areas subject to biodiversity certification. 	Accept. Savings and transitional arrangements for SIC determinations made prior to 1 July 2022 to be determined.
5.5	Phase in metropolitan water contributions for more efficient delivery of water infrastructure <ol style="list-style-type: none"> Rescind the 2008 Section 18 Direction that approved zero developer charges for water, wastewater and stormwater services for Sydney Water and Hunter Water. Direct Sydney Water and Hunter Water to reintroduce water charges and include provision for: <ul style="list-style-type: none"> the approach to phase-in, and exemptions for development completed prior to 1 July 2026. Establish a service level agreement for Sydney Water and Hunter Water for expenditure of water charges funding. 	Accept
6.1	Develop and implement a centralised contributions digital tool <ol style="list-style-type: none"> Develop a contributions digital tool in the NSW Planning Portal, integrated with the spatial mapping and development application system, which requires: <ul style="list-style-type: none"> councils and the State to make contributions plans receive and track payments report on contributions spending, fulfill accounting requirements, and report on the infrastructure delivery pipeline landowners and developers to estimate, calculate, and pay their infrastructure contributions for both local and state infrastructure in one place, ideally in one payment. Amend legislation to support the digital tools and require their use to be phased in. 	Accept

NSW Productivity Commission's Review of Infrastructure Contributions in NSW



NSW Government Response

Item	Recommendation	Response
6.2	Promote consistency and transparency in works-in-kinds agreements Develop a practice note to guide efficient and consistent use of works-in-kind agreements.	Accept
6.3	Build the capability and expertise of the planning sector i. Create and maintain consolidated guidance material for each contribution mechanism that reflects up-to-date information and integrates with the digital tool. ii. Implement a training and professional development program to support planning practitioners and build a knowledge sharing culture within the planning system.	Accept
6.4	Introduce a simple, clear, centralised exemptions policy Produce a simple, clear, standardised exemptions policy, underpinned by guiding principles, to ensure a consistent and transparent application of exemptions.	Accept
6.5	Better synchronise State and local strategic planning frameworks i. Amend legislation to update the review timeframes of Local Strategic Planning Statements to five years, in line with other State and regional plans. ii. Issue a Ministerial direction extending the regional implementation plan timeframe to cover a 4-year period to align with councils' delivery program.	Accept
6.6	Incorporate the local infrastructure contributions system into the Integrated and Performance Reporting Framework Update the Integrated and Performance Reporting guidelines to require councils to: <ul style="list-style-type: none"> include infrastructure contribution plans in their reporting review their infrastructure contributions plans by 1 July 2024, and every four years thereafter (or earlier if required), to align with their delivery program. 	Accept
6.7	Strategic planning to maximise the efficient use of land i. Issue a Ministerial Direction to require planning proposals to demonstrate consideration of efficient use of land, including opportunities for dual-use and joint-use. ii. Develop a practice note to establish performance-based benchmarks for open space planning.	Accept. Consideration will be given to creation of liveable and resilient communities, and ensuring quality outcomes.
7.1	Strong governance to guide implementation Establish an Implementation Steering Committee to oversee implementation of the reforms.	Accept

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ITEM 5

EMPLOYMENT ZONE REFORMS - PRELIMINARY TRANSLATION OF EMPLOYMENT ZONES IN WOLLONGONG LOCAL ENVIRONMENT PLAN 2009

The NSW Department of Planning and Environment (DPE) has amended the Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP Order) to give effect to the Employment Zones Reform that, on completion, will replace the existing eight *Business* and four *Industrial* zones with eight new zones made up of five (5) new *Employment* zones and three supporting zones.

All Standard Instrument Local Environmental Plans (LEPs) in NSW must be made in accordance with the SI LEP Order. This means that a translation amendment to Wollongong LEP 2009 is proposed. The NSW DPE is coordinating the translation of all LEP amendments, including Wollongong LEP 2009 and is proposing a centralised public exhibition in April 2022.

As requested by DPE, Council officers have reviewed and refined the proposed changes. This report outlines the proposed changes for Council's review and endorsement.

RECOMMENDATION

- 1 The proposed changes to the Wollongong Local Environment (LEP) 2009 in response to the NSW Employment Zone Reforms introduced by the NSW Department of Planning and Environment be ratified by Council.
- 2 Further information be provided to Council and a submission made in response to formal exhibition by the NSW Department of Planning and Environment of the proposed Employment Zone Reforms and amendments to Wollongong Local Environmental Plan 2009.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 List of Business and Industrial Zones in Wollongong LGA
- 2 Summary of Proposed Changes to Wollongong LEP 2009

BACKGROUND

In November 2020, the NSW Government announced reforms to employment lands (both business and industrial zoned lands). These reforms followed the reviews by the Australian and NSW Productivity Commissions to support economic growth and productivity. The NSW Productivity Commission recommended the rationalisation of the number of employment zones in NSW and to increase flexibility within the new zones to expand the land uses that are permitted.

In May 2020, the NSW Department of Planning, Industry and Environment (now renamed the Department of Planning and Environment (DPE)) exhibited a position paper outlining the proposed employment zones framework. Council officers reviewed and commented on the paper. Council officers objected to the proposed reduction in the number of Business zones, as it removes the hierarchy or delineation between small village centres and much larger town centres.

On 1 December 2021, the DPE amended the *Standard Instrument (Local Environmental Plans) Order 2006* by introducing five new employment zones and three supporting zones. The new zones include -

Employment Zones:

New Zone	Existing zones
E1 Local Centre	B1 Neighbourhood Centre B2 Local Centre
E2 Commercial Centre	B3 Commercial Core
E3 Productivity Support	B5 Business Development (not currently included in the Wollongong LEP 2009) B6 Enterprise Corridor B7 Business Park
E4 General Industrial	IN1 General Industrial IN2 Light Industrial
E5 Heavy Industrial	IN3 Heavy Industrial

Supporting Zones:

New Zone	Existing zones
MU1 Mixed Use	B4 Mixed Use
W4 Working Waterfront	IN4 Working Waterfront
SP4 Enterprise	B8 Metropolitan Centre (not currently included in the Wollongong LEP 2009)

Also on 1 December 2021 to facilitate the change of Business Zones ('B' zones) to Employment Zones ('E' zones), the existing Environmental Conservation Zones were renamed to Conservation Zones ('C' zones).

This land use zone transition is now being implemented across all NSW LEPs, including the Wollongong LEP 2009 and the Three Ports State Environmental Planning Policy (SEPP) which applies to industrial land at Port Kembla. A self-repealing State Environmental Planning Policy (SEPP) Explanation of Intended Effect (EIE) is proposed to be exhibited digitally by the DPE in April 2022 for a period of six weeks.

PROPOSAL

The legislative changes proposed by the DPE will mean that the existing Business and Industrial zones in Wollongong LEP 2009 will be replaced with the new Employment zones, as indicated above.

A list of all existing Business and Industrial zones in Wollongong Local Government Area (LGA) and their proposed Employment zone translation is provided at Attachment 1. Attachment 1 also provides information on existing height and floor space ratio controls in each of the relevant zones. The reform does not seek to change development standards such as maximum height of building or floor space ratio controls.

The Employment Zones Reform contains a package of preliminary translation details relating to Wollongong LEP 2009 including -

- Updated zone mapping, showing the new zones.
- New mandated objectives for each new zone.
- New mandated uses for each zone (permitted with consent, permitted without consent and prohibited).

- New and amended land use definitions.

The DPE asked Council officers to review and confirm the preliminary translation detail contained in the translation package and to decide whether Council would like to make further amendments to proposed mapping, land use tables and objectives. As part of this process, Council can determine the permissibility of non-mandated land uses and add land use objectives, as well as amend or add local provisions and additional permitted uses to address specific local circumstances and achieve desired local planning outcomes.

No mapping changes are proposed as part of this mandated process. Council officers consider that any change to zone boundaries should be a consequence of strategic studies, such as Town and Village Studies. Such changes would need to follow the normal planning proposal investigation, consultation, Council endorsement and exhibition process.

During the review process, Council officers identified a limited number of issues triggered by the proposed changes. In summary these included -

- Decreasing the number of zones will restrict the ability of Council to facilitate development across the LGA in a way that is reflective of the scale and character of centres, as identified within the current retail and business centres hierarchy within Wollongong Development Control Plan (DCP) Chapter B4. This is particularly relevant to the merger of the B1 and B2 zones into a single E1 Local Centre zone.
- The merger of the B1 and B2 zones into the E1 zone will mean that some land uses which are not currently permitted in the smaller B1 Neighbourhood Centres will become permissible in the new consolidated E1 zone.
- New mandated land use objectives which do not give effect to the nuanced differences between our centres (i.e. Stanwell Park Village will share the same zoning and therefore land uses permitted as Corrimal Town Centre).
- New mandated land uses will mean that some land uses which are currently prohibited will become permissible in the E1, E2, E3, E4 and MU1 zones (i.e. local distribution centres).
- The current permissibility of shop top housing and serviced apartments in the existing B6 zone is a conflicting land use and inconsistent with the objectives of the new E3 zone.
- The current permissibility of residential flat buildings in the existing B1 and B2 zones is inconsistent with the objectives of the new E1 zone.
- The current permissibility of heavy industries in the existing IN1 and IN2 zones is inconsistent with the objectives of the E4 zone, and more appropriate for the E5 zone.
- The current permissibility of recreation facilities (indoor) in the existing IN3 zone is inconsistent with the objectives of the new E5 zone.
- The current permissibility of takeaway food and drink premises in the existing IN3 zone is a conflicting land use and inconsistent with the objectives of the E5 zone.

Council officers have reviewed and refined the preliminary translation of Wollongong LEP 2009 and provided a Return Translation Detail package to the DPE by the required date (28 January 2022). As part of the Return Translation Detail package, Council officers also proposed changes to the preliminary translation of Wollongong LEP 2009, to address the issues identified above, update references to zoning descriptions in local provisions, as well as some minor housekeeping amendments.

The following new local clauses are proposed -

- Insert a new land use objective in the E1, E2 and MU1 zones to give effect to the LGA's centres hierarchy.
- Insert a new land use objective in the E1 zone to encourage accessibility and pedestrian amenity.

- Insert a new land use objective in the E1 zone to enhance street activation.
- Insert a new land use objective in the E5 zone to support and protect heavy industrial land.
- Deletion of certain land use objectives in the E1, E2, E3 and E5 zones.
- Remove residential flat buildings as a permissible use with consent in the new E1 zone.
- Remove shop top housing and serviced apartments as a permissible use with consent in the new E3 zone.
- Remove tourist and visitor accommodation as the permissible group term but include all sub-terms including backpackers' accommodation; bed and breakfast accommodation; hotel and motel accommodation and serviced apartments, but not farm stay accommodation in the new E1 zone.
- Remove heavy industries as a permissible use with consent in the new E4 zone.
- Remove recreation facilities (indoor) and takeaway food and drink premises as a permissible use with consent in the E5 zone.
- Prohibit local distribution premises in the new E5 zone.
- Insert a new local provision under Part 9 Local Provisions – Centres hierarchy to ensure development is compatible with the centres role and position on the centres hierarchy.
- Insert a new Additional Permitted Use under Schedule 1 to allow shop top housing and serviced apartments on certain land zoned E3 Productivity Zone along Flinders St, North Wollongong.
- Amend Clause 5.4 Controls relating to miscellaneous permissible uses to ensure local distribution centres do not adversely impact development on any adjoining land or the amenity of the neighbourhood as a result of poor urban design, traffic or noise.
- Amend Clause 5.4 Controls relating to miscellaneous permissible uses to ensure food and drink premises do not have a drive-through component in Village and Small Village centres.
- Amend Clause 7.11 Location of sex service premises to also include restricted premises.
- Amend Clause 7.13 Certain land within Business zones to ensure non-residential uses are appropriately located and achieve its objective by expressly requiring a high level of pedestrian interest and interaction at street level and a direct connection between the ground floor of buildings and the street, as well as to reflect re-naming of new employment zones.
- Amend Clause 7.19 Active street frontages to remove vehicular access from Subclause 4(c) as it is contrary to the objective of an active street frontage.
- Amend Clause 8.4 Minimum building street frontage to clarify how the street frontage width is interpreted and to ensure that sites with a width of less than 20m in Wollongong CBD are still to achieve better amenity and an improved urban design outcome.
- Amendments to Clauses 7.13, 7.19, 8.4, 8.6, 8.7 to reflect re-naming of new employment zones.

More detail on the proposed changes to Wollongong LEP 2009 is provided at Attachment 2.

CONSULTATION AND COMMUNICATION

The DPE issued the Employment Zone Reform package on 8 November 2021 and required feedback from Councils by 28 January 2022. This timeframe conflicted with the caretaker period prior to the 2021 Council election.

The proposed Employment Zones Reforms have been reviewed by Council officers from the City Strategy Division, Development Assessment and Certification Division and Legal Services. The preliminary translation of Wollongong LEP 2009 has been refined and the Return Translation Detail provided to the DPE by the required date.

The DPE have asked for the Return Translation Detail to be endorsed by Council prior to public exhibition. A summary of the proposed changes included within the Return Translation Detail is provided at Attachment 2.

The DPE is proposing a centralised State-wide public exhibition of proposed amendments to all LEPs including Wollongong LEP 2009 in April 2022. The DPE is proposing to exhibit a self-repealing State Environmental Planning Policy (SEPP), Explanation of Intended Effect (EIE) which will outline each Council's proposed LEP amendment.

As per the DPE's Community Participation Plan, the exhibition will occur for period of six weeks. The DPE is building a web platform so that communities can readily identify their local changes and make a specific submission on the proposed translation and associated detail relevant to their local areas.

Council officers will also promote and raise awareness of the exhibition process through Council's website and local media.

The DPE has advised that it will share submissions with Councils following public exhibition, to enable finalisation of the LEP amendment in the second half of 2022.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2028 Objective *"The Sustainability of our urban environment is improved"* under the Community Goal *"We value and protect our environment"*. It specifically delivers on the following -

Community Strategic Plan Strategy	Delivery Program 2018-2022 4 Year Action	Operational Plan 2021-22 Operational Plan Actions
Manage land uses to strengthen urban areas	1.3.1 Impacts from development on the environment are assessed, monitored and mitigated	1.3.1.2.3 Prepare for the introduction and implementation of the New South Wales State Government Planning Reforms

CONCLUSION

The NSW Department of Planning and Environment are transitioning the existing Business and Industrial Zones within LEPs to eight new zones made up of five new employment zones and three supporting zones. The DPE has provided preliminary translations of employment zone mapping, land use tables and objectives for all LEPs, including Wollongong LEP 2009.

Council staff have reviewed the employment zones preliminary translation detail and seek to make a number of amendments, as detailed in the proposed summary of changes at Attachment 2 to ensure appropriate land use planning outcomes across the LGA's proposed Employment zoned land.

It is recommended that Council endorse the proposed amendments to the Wollongong LEP 2009 at Attachment 2 for formal exhibition by the DPE.

Attachment 1 - List of Business and Industrial Zones in Wollongong LGA

BUSINESS CENTRES						
Existing Zone	New Zone Transition	Max HOB	Max FSR	Centre Address	Centre	DCP B4 Hierarchy Listing
B1	E1	9m	0.75:1	Lawrence Hargrave Drive	AUSTINMER	Village
B1	E1	9m	0.75:1	Moore Street	AUSTINMER	Village
NA	NA	NA	NA	TBC	AVONDALE	Future Village Centre in West Dapto
B2	E1	12m	1.5:1	Balgownie Road	BALGOWNIE	Town Centre
B1	E1	9m	0.75:1	Bellambi Lane	BELLAMBI	Not listed - Small Village
B1	E1	9m	0.75:1	Rothery Street	BELLAMBI	Not listed - Small Village
B1	E1	9m	0.75:1	Berkeley Road	BERKELEY	Not listed - Small Village
B1	E1	9m	0.75:1	Kelly Street	BERKELEY	Not listed - Small Village
B2	E1	12m	1.5:1	Bristol Street	BERKELEY	Town Centre
B1	E1	9m	0.75:1	Brownsville Avenue	BROWNSVILLE	Village
B1	E1	9m	0.75:1	Farrell Road	BULLI	Not listed - Small Village
B2	E1	11m	1.5:1	Princes Highway	BULLI	Town Centre
B1	E1	9m	0.75:1	Lawrence Hargrave Drive	COLEDALE	Village
B1	E1	9m	0.75:1	Bridge Street	CONISTON	Village
B7	E3	20m	0.5:1	Old Springhill Road	CONISTON	Business Park
B2/B6	E1/E3	15m/11m	1.5:1/0.5:1	Princes Highway	CORRIMAL	Major Town Centre
B6	E3	11m	0.5:1	Princes Highway	CORRIMAL	Peripheral Sales
B1	E1	11m	0.75:1	Bethlehem Street	CRINGILA	Town Centre
B1	E1	9m	0.75:1	Kent Road	DAPTO	Not listed - Small Village
B1	E1	9m	0.75:1	Lakelands Drive	DAPTO	Not listed - Small Village

BUSINESS CENTRES						
Existing Zone	New Zone Transition	Max HOB	Max FSR	Centre Address	Centre	DCP B4 Hierarchy Listing
B2/B3/B4/B6	E1/E2/MU1/E3	9m&20m/ 30m/11m/ 11m	2.5:1/2.5:1/ 2:1/1.2:1	Princes Highway	DAPTO	Major Regional Centre
B1	E1	9m	0.75:1	Murray Road	EAST CORRIMAL	Village
B1	E1	9m	0.75:1	Cabbage Tree Lane	FAIRY MEADOW	Not listed - Small Village
B2/B6	E1/E3	15m/11m	1.5:1/0.5:1	Princes Highway	FAIRY MEADOW	Major Town Centre
B6	E3	11m	0.5:1	Mt Ousley Road	FAIRY MEADOW	Peripheral Sales
B1	E1	9m	0.75:1	Farmborough Road	FARMBOROUGH HEIGHTS	Village
B1/B2/SP3	E1/SP3	11m/15m/ 11m	0.75:1/1.5: 1/1.5:1	Princes Highway	FIGTREE	Major Town Centre
B6	E3	9m	0.5:1	Woodrow Place	FIGTREE	Peripheral Sales
B1 (draft)				Cleveland Road	FOWLERS	Future Village Centre in West Dapto
B1	E1	9m	0.75:1	Foley Street	GWYNNEVILLE	Village
B2	E1	12m	1.5:1	Walker Street	HELENSBURGH	Town Centre
B6	E3	11m	0.5:1	Princes Highway	HELENSBURGH	Peripheral Sales
B2	E1	9m	1.5:1	Bong Bong Road	HORSLEY	Village
B2	E1	20m	2.0:1	Bong Bong Road	BONG BONG ROAD, HORSLEY	Future Town Centre in West Dapto
B1	E1	9m	0.75:1	Jersey Farm Road	HUNTLEY	Future Village Centre in West Dapto
NA	NA	NA	NA	Huntley/Avondale Road	HUNTLEY	Future Village Centre in West Dapto
B1	E1	9m	0.75:1	Lakeside Drive	KANAHOOKA	Village
B1	E1	9m	0.75:1	Gipps Road	KEIRAVILLE	Village
B2	E1	20m	2.0:2	West Dapto Road	DARKES ROAD - KEMBLA GRANGE	Future Town Centre in West Dapto

BUSINESS CENTRES						
Existing Zone	New Zone Transition	Max HOB	Max FSR	Centre Address	Centre	DCP B4 Hierarchy Listing
B6	E3	11m	0.5:1	Northcliffe Drive	KEMBLA GRANGE	Peripheral Sales
B6	E3	11m	0.5:1	King Street	KEMBLAWARRA	Peripheral Sales
B1	E1	9m	0.75:1	Koonawarra Place	KOONAWARRA	Village
B1	E1	9m	0.75:1	Weringa Avenue	LAKE HEIGHTS	Not listed - Small Village
B1	E1	9m	0.75:1	Buena Vista Avenue	LAKE HEIGHTS	Not listed - Small Village
B1	E1	9m	0.75:1	St Johns Avenue	MANGERTON	Not listed - Small Village
B2/B4	E1/MU1	15m	2.0:1/1.5:1	Yallah Road	MARSHALL MOUNT	Future Town Centre in West Dapto
B2	E1	12m	1.5:1	Wentworth Street	PORT KEMBLA	Town Centre
B6	E3	11m	0.5:1	Military Road	PORT KEMBLA	Peripheral Sales
B7	E3	20m	1.5:1	Wentworth Street	PORT KEMBLA	Business Park
B1	E1	9m	0.75:1	Illowra Crescent	PRIMBEE	Village
B6	E3	11m	0.5:1	Princes Highway	RUSSELL VALE	Peripheral Sales
B1	E1	9m	0.75:1	Lawrence Hargrave Drive	STANWELL PARK	Village
B1	E1	9m	0.75:1	Caldwell Avenue	TARRAWANNA	Village
B2/B4	E1/MU1	12m/11m	1.5:1/0.75:1	Lawrence Hargrave Drive	THIRROUL	Town Centre
B1	E1	9m	0.75:1	Towradgi Road	TOWRADGI	Village
B1	E1	9m	0.75:1	Farnborough Road	UNANDERRA	Not listed - Small Village
B2	E1	15m	1.5:1	Princes Highway	UNANDERRA	Major Town Centre
B6	E3	11m	0.5:1	Princes Highway	UNANDERRA	Peripheral Sales
B3/B4	E2/MU1	24m/9m	2.5:1/0.75:1	Cowper Street	WARRAWONG	Major Regional Centre
B1	E1	11m	0.75:1	Princes Highway	WEST WOLLONGONG	Not listed - Small Village
B1	E1	9m	0.75:1	Thames Street	WEST WOLLONGONG	Not listed - Small Village

BUSINESS CENTRES						
Existing Zone	New Zone Transition	Max HOB	Max FSR	Centre Address	Centre	DCP B4 Hierarchy Listing
B2	E1	9m	0.75:1	Windang Road	WINDANG	Town Centre
B1	E1	9m	0.75:1	Crown Street (449-457)	WOLLONGONG	Not listed - Small Village
B3/B4	E2/MU1	16m-120m/16m-48m	1.5:1+	Crown Street	WOLLONGONG	Regional City
B6	E3	9m & 24 m & 32m	1.5:1+	Flinders Street	WOLLONGONG	Peripheral Sales
B6	E3	9m	0.5:1	Keira Street	WOLLONGONG	Peripheral Sales
B6	E3	9m	0.5:1	Kembla Street	WOLLONGONG	Peripheral Sales
B1	E1	9m	0.75:1	Raven Street	WONGAWILLI	Village
B1	E1	9m	0.75:1	The Circle	WOONONA	Village
B2/B6/SP3	E1/E3/SP3	11m/12m	1.5:1	Princes Highway	WOONONA	Town Centre
B6/B7	E3	16m	0.5:1	Princes Highway	YALLAH	Peripheral Sales
B2	E1	9m	0.75:1	Yallah Bay Road	YALLAH	Future Centre in Tallawarra
INDUSTRIAL PRECINCTS						
IN2	E4	11m	0.5:1	Bellambi Lane	BELLAMBI	N/A
IN3	E5	9m & Nil	Nil	Brady Street, Warehouse Place & Berkeley Road	BERKELEY	N/A
IN2	E4	9m & 11m	0.5:1	Rixon Avenue, Franklin Avenue & Molloy Street	BULLI	N/A
IN1	E4	11m	0.5:1	Miller Street, Fox Avenue, Keira Street, Tate Street, Spring Hill Road	CONISTON	N/A
IN2	E4	11m	0.5:1	Collins and Ruddock Streets	CORRIMAL	N/A

Existing Zone	New Zone Transition	Max HOB	Max FSR	Centre Address	Centre	DCP B4 Hierarchy Listing
INDUSTRIAL PRECINCTS						
IN3	E5	Nil	Nil	Railway Street	CORRIMAL	N/A
IN2	E4	11m	0.5:1	Five Islands Road	CRINGILLA	N/A
IN3	E5	9m & Nil	Nil	Five Islands Road	CRINGILLA	N/A
IN2	E4	9m	0.5:1	Hamilton Street, Bong Bong Road, Clarke Street, Unara Road, Osborne Street, Marshall Street & Princes Highway	DAPTO	N/A
IN2	E4	11m	0.5:1	Princes Highway, Chapman Street, Jardine Street, Kingsford Street, Charles Road & Pringle Road	FAIRY MEADOW	N/A
IN2	E4	11m	0.5:1	Princes Highway	FIGTREE	N/A
IN2	E4	9m & 11m	Nil and 0.5:1	Parkes Street, Cemetery Road & Walker Street	HELENSBURGH	N/A
IN2	E4	9m	0.5:1	West Dapto Road	HORSLEY	N/A
IN2	E4	9m & 11m	0.5:1	Kembla Grange Place, Dapto Road, Darkes Road, Sheaffes Road & Reddalls Road	KEMBLA GRANGE	N/A
IN3	E5	9m & Nil	Nil	West Dapto Road & Reddalls Road	KEMBLA GRANGE	N/A
IN2	E4	9m	0.5:1	Montague Street & Ralph Black Drive	NORTH WOLLONGONG	N/A
IN2	E4	11m	0.5:1	Military Road	PORT KEMBLA	N/A
IN3	E5	20m & Nil	Nil	Spring Hill Road, Military Road and Shellharbour Road	PORT KEMBLA	N/A
IN2	E4	11m	0.5:1	Watts Lane, York Road	RUSSEL VALE	N/A

Existing Zone	New Zone Transition	Max HOB	Max FSR	Centre Address	Centre	DCP B4 Hierarchy Listing
INDUSTRIAL PRECINCTS						
IN1	E4	11m	0.5:1	Drummond Street & Masters Road	SPRING HILL	N/A
IN2	E4	11m	0.5:1	Edney Lane	SPRING HILL	N/A
IN2	E4	11m	0.5:1	Berkeley Road, Waverley Drive, Sirius Road, Nolan Street, Investigator Drive & Doyle Avenue	UNANDERRA	N/A
IN3	E5	Nil & 9m	Nil and 0.5:1	Five Islands Road, Marley Place, Industrial Road, Glastonbury Avenue, Resolution Drive, Berkeley Road, Lady Penrhyn Drive, Prince of Wales Avenue, Investigator Drive	UNANDERRA	N/A
IN2	E4	11m	0.5:1	Kemblawarra Road and Shellharbour Road	WARRAWONG	N/A
IN1	E4	11m	0.5:1	Auburn Street, West Street, Miller Street & Tate Street	WOLLONGONG	N/A
IN2	E4	Nil	0.5:1 & 0.75:1	Auburn Street, West Street, Swan Street, Dean Street	WOLLONGONG	N/A
IN3	E5	9m & 11m	0.5:1	Pioneer Drive, York Road, Princes Highway	WOONONA	N/A
IN1	E4	11m & 20m	0.5:1	Yallah Bay Road	YALLAH	N/A

Existing Zone	New Zone Transition	Max HOB	Max FSR	Centre Address	Centre	DCP B4 Hierarchy Listing
INDUSTRIAL PRECINCTS						
IN2	E4	9m & 12m & 15m & 16m	0.5:1	Yallah Bay Road	YALLAH	N/A

Attachment 2 - Summary of Proposed Changes to Wollongong LEP 2009

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
1	Insert a new land use objective in the E1 Local Centre, E2 Commercial Centre and MU1 Mixed Use zone: <i>'To encourage development that is compatible with the centres position on the centres hierarchy'</i>	To give effect to the LGAs centres hierarchy.	Land Use Table Zone E1 Local Centre <u>1 Objectives of zone</u> • <i>'To encourage development that is compatible with the centre's position on the centres hierarchy'</i>
2	Insert a new land use objective in the E1 Local Centre zone: <i>'To encourage development that has a high level of accessibility and amenity, and prioritises pedestrians'</i>	To encourage accessibility and pedestrian amenity in the E1 zone.	Land Use Table Zone E1 Local Centre <u>1 Objectives of zone</u> • <i>'To encourage development that has a high level of accessibility and amenity, and prioritises pedestrians'</i>
3	Insert a new land use objective in the E1 Local Centre zone: <i>'To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces'</i>	To enhance street activation in the E1 zone. Note. This land use objective is already mandated in the E2 zone	Land Use Table Zone E1 Local Centre <u>1 Objectives of zone</u> • <i>'To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces'</i>
4	Delete the following land use objectives in the current B1 Neighbourhood Centre zone (i.e. not carry it into E1 Local Centre zone): <i>'To allow for residential accommodation and other uses while maintaining active retail, business or other non-residential uses at the street level.'</i>	Recommended for deletion by DPE. Council support the deletion of this objective, as the purpose of the objective will be covered by new mandated Local Centre objectives as per below: <i>'To enable residential development that contributes to a vibrant and active Local Centre and is consistent with the Council's strategic planning for residential development in the area.'</i> AND <i>'To encourage business, retail, community and other non- residential land uses on the ground floor of buildings.'</i>	Land Use Table Zone E1 Local Centre <u>1 Objectives of zone</u> • <i>'To allow for residential accommodation and other uses while maintaining active retail, business or other non-residential uses at the street level.'</i>

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
5	<p>Delete the following land use objectives in the current B3 Commercial core zone (i.e. not carry it into E2 Commercial Centre zone):</p> <p><i>'To provide for high density residential development within a mixed use development if it—</i></p> <p>(a) <i>is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and</i></p> <p>(b) <i>contributes to the vitality of the Wollongong city centre.'</i></p>	<p>Recommended for deletion by DPE. Council also supports deletion, as this control is recommended to be deleted as part of the Wollongong City Centre Planning Proposal.</p>	<p>Land Use Table Zone E2 Commercial Centre <u>1 Objectives of zone</u></p> <ul style="list-style-type: none"> <i>'To provide for high density residential development within a mixed use development if it—</i> <i>(a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and</i> <i>(b) contributes to the vitality of the Wollongong city centre.'</i>
6	<p>Delete the following land use objectives in the E3 Productivity Support zone:</p> <p><i>'To encourage activities which will contribute to the economic and employment growth of Wollongong.'</i></p>	<p>Recommended for deletion by DPE.</p>	<p>Land Use Table Zone E3 Productivity Support <u>1 Objectives of zone</u></p> <ul style="list-style-type: none"> <i>'To encourage activities which will contribute to the economic and employment growth of Wollongong.'</i>
7	<p>Delete the following land use objectives in the E4 General Industrial zone:</p> <p><i>'To facilitate and encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.'</i></p> <p>AND</p> <p><i>'To encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.'</i></p>	<p>Recommended for deletion by DPE.</p>	<p>Land Use Table Zone E4 General Industrial <u>1 Objectives of zone</u></p> <ul style="list-style-type: none"> <i>'To facilitate and encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.'</i> <i>'To encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.'</i>
8	<p>Insert a new land use objective in the E5 Heavy Industrial zone.</p> <p><i>'To support and protect industrial land for heavy industrial uses'.</i></p>	<p>To introduce a new objective that seeks to support and protect heavy industrial land.</p>	<p>Land Use Table Zone E5 Heavy Industrial <u>1 Objective of zone</u></p> <ul style="list-style-type: none"> <i>'To support and protect industrial land for heavy industrial uses'</i>

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
9	Delete the following land use objective in the E5 zone: <i>'To facilitate the ongoing sustainability of steel making and steel product manufacturing that will contribute to the economic and employment growth of Wollongong.'</i>	To intro introduce a new objective that seeks to support and protect heavy industrial land. Bluescope Steelmaking site is located within Three Ports SEPP area and no longer covered by the WLEP 2009.	Land Use Table Zone E5 Heavy Industrial <u>1 Objectives of zone</u> • 'To facilitate the ongoing sustainability of steel making and steel product manufacturing that will contribute to the economic and employment growth of Wollongong.'
10	Remove <i>residential flat buildings</i> as a permissible use with consent in the new E1 Local Centre zone.	Residential flat buildings are inconsistent with land use objectives which seek "to encourage business, retail, community and other non-residential land uses on the ground floor of buildings". Residential flat buildings are also effectively prohibited via Clause 7.13, which requires the ground floor of buildings to not be used for the purpose of residential accommodation in the B1 Neighbourhood Centre and B2 Local Centre zones. Note. Shop top housing is a mandated permissible use in the E1 Local Centre zone.	Land Use Table Zone E1 Local Centre <u>3 Permitted with consent</u> <i>Advertising structures;</i> <i>Amusement centres;</i> <i>Backpackers' accommodation;</i> <i>Bed and breakfast accommodation;</i> <i>Boarding houses;</i> <i>Car parks;</i> <i>Centre-based child care facilities;</i> <i>Commercial premises;</i> <i>Community facilities;</i> <i>Educational establishments;</i> <i>Entertainment facilities;</i> <i>Exhibition homes;</i> <i>Function centres;</i> <i>Home businesses;</i> <i>Home industries;</i> <i>Home-based child care;</i> <i>Hostels;</i> <i>Hotel or motel accommodation;</i> <i>Information and education facilities;</i> <i>Local distribution premises;</i> <i>Medical centres;</i> <i>Oyster aquaculture;</i> <i>Passenger transport facilities;</i> <i>Places of public worship;</i> <i>Public administration buildings;</i> <i>Recreation areas;</i> <i>Recreation facilities (indoor);</i> <i>Recreation facilities (outdoor);</i> <i>Registered clubs;</i> Residential flat buildings; <i>Respite day care centres;</i> <i>Restricted premises;</i> <i>Roads;</i> <i>Self-storage units;</i> <i>Seniors housing;</i> <i>Service stations;</i> <i>Sex services premises;</i> <i>Shop top housing;</i> <i>Tank-based aquaculture;</i> <i>Veterinar</i>


	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
11	Remove <i>tourist and visitor accommodation</i> as the permissible group term but include all sub terms including <i>backpackers' accommodation</i> ; <i>bed and breakfast accommodation</i> ; <i>hotel and motel accommodation</i> and <i>serviced apartments</i> , but not <i>farm stay accommodation</i> in the new E1 Local Centre zone.	To allow backpackers' accommodation; bed and breakfast accommodation; and serviced apartments, but not farm stay accommodation in the new E1 Local Centre zone.	Land Use Table Zone E1 Local Centre <u>3 Permitted with consent</u> Advertising structures; Amusement centres; Backpackers' accommodation ; Bed and breakfast accommodation ; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Home businesses; Home industries; Home-based child care; Hostels; Hotel or motel accommodation ; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Serviced apartments ; Service stations; Sex services premises; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Wholesale supplies
12	Remove <i>serviced apartments</i> as a permissible use with consent in the new E3 Productivity Support zone.	Serviced apartments are more appropriate to occur in residential and business centre locations. Removal of land use will also reduce land use conflict in this zone.	Land Use Table Zone E3 Productivity Support <u>3 Permitted with consent</u> Advertising structures; Animal boarding or training establishments; Boat building and repair facilities; Business premises; Car parks; Centre-based child care facilities; Community facilities; Depots; Entertainment facilities; Environmental facilities; Function centres; Garden centres; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Home businesses;

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
			<p>Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Roads; Rural supplies; Service stations; Serviced apartments; Sex services premises; Shop top housing; Specialised retail premises; Storage premises; Take away food and drink premises; Tank based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies</p>
13	Remove <i>shop top housing</i> as a permissible use with consent in the new E3 Productivity Support zone.	<p>The current permissibility of shop top housing in the B6 zone is not compatible with the objectives of the new E3 zone.</p> <p>Removal of shop top housing from the new E3 zone is further supported by the Illawarra Shoalhaven Regional Plan 2041 which classifies existing B6 and B7 zoned land as 'Regionally Significant Employment Lands', in order to protect employment land from residential encroachment.</p>	<p>Land Use Table Zone E3 Productivity Support <u>3 Permitted with consent</u></p> <p>Advertising structures; Animal boarding or training establishments; Boat building and repair facilities; Business premises; Car parks; Centre-based child care facilities; Community facilities; Depots; Entertainment facilities; Environmental facilities; Function centres; Garden centres; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Home businesses; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping</p>

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
			<p>material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Roads; Rural supplies; Service stations; Service apartments; Sex services premises; Shop top housing; Specialised retail premises; Storage premises; Take away food and drink premises; Tank based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies</p>
14	Remove <i>heavy industries</i> as a permissible use with consent in the new E4 General Industrial zone.	It is recommended to remove heavy industries as more appropriate for E5 Heavy Industrial zone and inconsistent with zone objectives.	<p>Land Use Table Zone E4 General Industrial <u>3 Permitted with consent</u></p> <p>Advertising structures; Agricultural produce industries; Animal boarding or training establishments; Boat building and repair facilities; Community facilities; Crematoria; Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Heavy industries; Helipads; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Local distribution premises; Mortuaries; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Recreation areas; Recreation facilities (indoor); Roads; Self-storage units; Service stations; Sex services premises; Take away</p>

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
			<i>food and drink premises; Tank-based aquaculture; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities</i>
15	Remove <i>recreation facilities (indoor)</i> as a permissible use with consent in the new E5 Heavy Industrial zone.	It is recommended to remove recreation facilities (indoor) as it is inconsistent with zone objectives.	Land Use Table Zone E5 Heavy Industrial <u>3 Permitted with consent</u> <i>Advertising structures; Boat building and repair facilities; Data centres; Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industrial storage establishments; Heavy industries; Helipads; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Offensive storage establishments; Oyster aquaculture; Recreation areas; Recreation facilities (indoor); Roads; Rural industries; Service stations; Storage premises; Take away food and drink premises; Tank-based aquaculture; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water supply systems</i>
16	Remove <i>takeaway food and drink premises</i> as a permissible use with consent in the new E5 Heavy Industrial zone.	It is recommended to remove take away food and drink premises as it is a conflicting land use. Note. Kiosks and Artisan food and drink industry currently permissible in zone.	Land Use Table Zone E5 Heavy Industrial <u>3 Permitted with consent</u> <i>Advertising structures; Boat building and repair facilities; Data centres; Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industrial storage establishments; Heavy industries; Helipads; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Offensive storage</i>

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
			<i>establishments; Oyster aquaculture; Recreation areas; Recreation facilities (indoor); Roads; Rural industries; Service stations; Storage premises; Take-away food and drink premises; Tank-based aquaculture; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water supply systems</i>
17	Prohibit <i>local distribution premises</i> in the new E5 Heavy Industrial zone.	Warehouses and distribute centres more appropriate and are permitted in IN3/E5 Heavy Industrial zone. Note. The land use term local distribution premises has been decoupled from the group term 'Warehouse or distribution centres' to support last mile delivery uses; for example click and collect bays and parcel lockers. There is no size restriction on local distribution premises.	No change as the land use term <i>local distribution premises</i> has been decoupled from the group term 'warehouse or distribution centres'.
18	Insert a new Additional Permitted Use under Schedule 1 to allow <i>shop top housing and serviced apartments</i> on certain land zoned E3 Productivity zone along Flinders St, North Wollongong.	Historically the Flinders Street Precinct was used for car yards, hardware stores (Bunnings), self storage, and service industries on the edge of the City. The planning controls were amended as part of the Wollongong City Centre LEP 2007, one of the 6 cities LEPs prepared by the Department of Planning. They were not as a result of a strategic study. The controls were translated into the Wollongong LEP 2009. The B6 Enterprise Corridor zone allows shop top housing and serviced apartments as a permissible use (with consent), with maximum height controls ranging between 24 and 32 metres,	Schedule 1 – Additional Permitted Uses <u><i>29 Use of certain land at Flinders Street, North Wollongong</i></u> <i>(1) This clause applies to land at [INSERT ADDRESS], being [INSERT LOT and DPs]</i> <i>(2) Development for the purposes of shop top housing and serviced apartments is permitted with development consent.</i> Note. Instead of inserting all lot and DPs, this area could be mapped. Refer to B6 zoned area in image below.

	<p>Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)</p>	<p>Reason for Amendment</p>	<p>Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)</p>
		<p>and maximum FSR controls of at least 1.5:1 and upward (dependent on land use).</p> <p>Due to the generous FSR and height, the precinct is now functioning more like a mixed-use zone, with recent development made up of mostly shop top housing development (ranging between 6 and 9 storeys).</p> <p>It is recommended to remove shop top housing and serviced apartments from the E3 zone, but still allow shop top housing and serviced apartments as an additional permitted use for the Flinders St area (refer to area zoned B6 in adjacent map). Then, look at rezoning Flinders St area from E3 to MU1 at a later stage subject to further review / separate Planning Proposal process.</p> <p>Note. Based on a review of other E3 zoned areas in the LGA, we are not proposing to introduce additional permitted uses for shop top housing and/or serviced apartments in other E3 zoned areas in the LGA, in order to protect land from residential encroachment, as per the direction in the Illawarra Shoalhaven Regional Plan 2041.</p>	
<p>19</p>	<p>Amend Clause 5.4 Controls relating to miscellaneous permissible uses.</p>	<p>To ensure local distribution centres do not adversely impact development on any adjoining land or the amenity of the neighbourhood as a result of poor urban design, traffic or noise.</p>	<p><u>5.4 Controls relating to miscellaneous permissible uses</u></p> <p>(11) Local distribution centres If development for the purposes of a local distribution centre is permitted under this Plan, the consent authority must be satisfied that the local distribution facility will not adversely impact existing or future development on any adjoining land or the amenity of the neighbourhood as a result of poor urban design, traffic or noise.</p>

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
20	Amend Clause 5.4 Controls relating to miscellaneous permissible uses.	To ensure food and drink premises do not have a drive through component in Village and Small Village centres.	<p><u>5.4 Controls relating to miscellaneous permissible uses</u></p> <p>(12) Food and drink premises If development for the purposes of a food and drink premises is permitted in a Village or Small Village Centre under this Plan, the food and drink premises must not have a drive- through component.</p>
21	Amend Clause 7.11 Location of sex service premises.	To include restricted premises.	<p><u>7.11 Location of sex services premises and/or restricted premises</u></p> <p>(1) Despite any other provision of this Plan, development consent must not be granted for development for the purposes of sex services premises and/or restricted premises if the premises will be located on land that adjoins, or is separated by a road only from, land -</p> <p>(a) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or</p> <p>(b) used for the purposes of a centre-based child care facility, a community facility, an educational establishment or a place of public worship.</p> <p>(2) In deciding whether to grant development consent for the purpose of sex services premises, the consent authority must consider the impact the proposed development would have on children likely to regularly frequent land that adjoins, or is in view of, the proposed development.</p>

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
22	Amend Clause 7.13 Certain land within business zones.	To ensure non-residential uses are appropriately located and achieve its objective by expressly requiring a high level of pedestrian interest and interaction at street level and a direct connection between the ground floor of buildings and the street, as well as to reflect re-naming of new employment zones.	<p><u>7.13 Certain land within business zones</u></p> <p>(1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people pedestrians.</p> <p>(2) This clause applies to land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core or Zone B4 Mixed Use, Zone E1 Local Centre, Zone E2 Commercial Centre or Zone MU1 Mixed Use but does not apply to land to which clause 7.19 applies.</p> <p>(3) Development consent must not be granted for development for the purpose of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building facing the street and/or a public place -</p> <p>(a) will be used for the purposes of business premises or retail premises,</p> <p>(b) (a) will not be used for the purpose of residential accommodation,</p> <p>(c) (b) will have at least one entrance and at least one other door or window on the front elevation of the building facing the street other than a service lane, and</p> <p>(d) will enable direct visual and physical contact and interaction between the street and the interior of the building.</p> <p>In this clause, reference to a street does not include a service lane</p>

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
23	Amend Clause 7.19 Active street frontages	Removal of subclause 7.19(4)(c) as it is contrary to the objective of an active street frontage. Changes also to reflect re-naming of new employment zones.	<p><u>7.19 Active street frontages</u></p> <p>(1) <i>The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in the following zones -</i></p> <p>(a) Zone B1 Neighbourhood Centre,</p> <p>(b) Zone B2 Local Centre,</p> <p>(c) Zone B3 Commercial Core,</p> <p>(d) Zone B4 Mixed Use.</p> <p><i>(a) Zone E1 Local Centre,</i></p> <p><i>(b) Zone E2 Commercial Centre,</i></p> <p><i>(c) Zone MU1 Mixed Use</i></p> <p>(2) <i>This clause applies to land identified as "Active street frontages" on the Active Street Frontages Map.</i></p> <p>(3) <i>Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.</i></p> <p>(4) <i>Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—</i></p> <p><i>(a) entrances and lobbies (including as part of mixed use development),</i></p> <p><i>(b) access for fire services,</i></p> <p><i>(c) vehicular access.</i></p> <p>(5) <i>For the purposes of this clause, a building has an active street frontage if -</i></p>

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
			<p>(a) all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises, and</p> <p>(b) its street frontage enables direct visual and physical contact between the street and the interior of the building.</p> <p>Note - Clearly defined entrances, windows and shop fronts are elements of a building facade that contribute to an active street frontage.</p>
24	Amend Clause 8.4 Minimum building street frontage	To reflect minor wording update and re-naming of new employment zones.	<p><u>8.4 Minimum building street frontage width</u></p> <p>(1) The objective of this clause is to ensure that buildings sites have a minimum street frontage width to provide for the efficient development of land and design of buildings.</p> <p>(2) Development consent must not be granted to the erection of a building that does not have at least one street frontage width of 20 metres or more, on land within Zone B3- Commercial Core, B4- Mixed Use or B6- Enterprise Corridor. Zone E2 Commercial Centre, MU1 Mixed Use or E3 Productivity Support.</p> <p>(3) Despite subclause (2), the consent authority may grant consent to the erection of a building on land referred to in that subclause if it is of the opinion that -</p> <p>i) it is not physically possible for the building to be erected with at least one street frontage of 20 metres or more; and</p>

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
			<p>ii) <i>the scale and height of proposed buildings is compatible with the character of the locality; and</i></p> <p>iii) <i>there will be no significant adverse impact on the amenity of any existing nearby development.</i></p>
25	Amend Clause 8.6 Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use.	<p>It is recommended to:</p> <ul style="list-style-type: none"> - delete Subclause 8.6(3) as the controls do not align and are over-ridden by the requirements of SEPP No 65—Design Quality of Residential Apartment Development and the NSW Apartment Design Guide; - Insert 'excluding pedestrian through site links' at the end of Subclause 8.6(2)(a) to allow for laneways and improved amenity outcomes, particularly for shop top housing and residential uses in the podium of a building; and - Insert new definition of 'any other building'. <p>Amendments also required to reflect re-naming of new employment zones.</p>	<p><u>8.6 Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use Zone E2 Commercial Centre or Zone MU1 Mixed Use</u></p> <p>(1) <i>The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.</i></p> <p>(2) <i>Buildings on land within Zone B3 Commercial Core or B4 Mixed Use Zone E2 Commercial Centre or Zone MU1 Mixed Use must be erected so that—</i></p> <p><i>(a) there is no separation between neighbouring buildings up to the street frontage height of the relevant building or up to 24 metres above ground level whichever is the lesser (excluding pedestrian through-site links), and</i></p> <p><i>(b) there is a distance of at least 12 metres from any other building above the street frontage height and less than 45 metres above ground level, and</i></p> <p><i>(c) there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level.</i></p> <p><i>(3) Despite subclause (2), if a building contains a dwelling, all habitable parts of the dwelling including any balcony must not be less than—</i></p> <p><i>(a) 20 metres from any habitable part of a dwelling contained in any other building, and</i></p>

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
			<p>(b) 16 metres from any other part of any other building.</p> <p>(4) For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.</p> <p>(5) In this clause - street frontage height means the height of that part of a building that is built to the street alignment.</p> <p>Any other building means any building on any surrounding site, including sites not adjoining the subject site, and including sites located across a road reserve from the subject site.</p>
26	Amend Clause 8.7 Shops in B5 Mixed Use	To reflect re-naming of new employment zones.	<p>8.7 Shops in Zone B4 Mixed Use MU1 Mixed Use</p> <p>(1) The objective of this clause is to limit the size of shops in Zone B4 Mixed Use MU1 Mixed Use to ensure that land within Zone B3 Commercial Core E2 Commercial Centre remains the principal retail area.</p> <p>(2) Development consent must not be granted for development for the purpose of a shop on land in Zone B4 Mixed Use MU1 Mixed Use if the gross floor area of the shop is to be more than 400 square metres.</p>
27	Insert a new local provision under Part 9 Local Provisions – Centres hierarchy.	To ensure development is compatible with the centre's role and position on the centres hierarchy.	<p><u>Part 9 Local Provisions - Centres hierarchy</u></p> <p>(1) The objective of this clause is to ensure development is compatible with the centre's role and position on the centres hierarchy.</p>

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
			<p><i>(2) The centres hierarchy below applies to existing and future centres on land to which this plan applies –</i></p> <p><i>Regional City Centre</i></p> <ul style="list-style-type: none"> - <i>Wollongong</i> <p><i>Major Regional Centre</i></p> <ul style="list-style-type: none"> - <i>Warrawong</i> - <i>Dapto</i> <p><i>Major Town Centre</i></p> <ul style="list-style-type: none"> - <i>Corrimal</i> - <i>Fairy Meadow</i> - <i>Figtree</i> - <i>Unanderra</i> <p><i>Town Centre</i></p> <ul style="list-style-type: none"> - <i>Helensburgh</i> - <i>Thirroul</i> - <i>Bulli</i> - <i>Woonona</i> - <i>Balgownie</i> - <i>Cringila</i> - <i>Berkeley</i> - <i>Port Kembla</i> - <i>Windang</i> - <i>Darkes Road - Kembla Grange</i> - <i>Bong Bong - Horsley</i> - <i>Marshall Mount Rd, Marshall Mount</i> <p><i>Village</i></p> <ul style="list-style-type: none"> - <i>Stanwell Park</i> - <i>Coledale</i> - <i>Moore St Austinmer</i> - <i>Lawrence Hargrave Drive Austinmer</i> - <i>The Circle, Woonona</i> - <i>East Corrimal</i> - <i>Tarrawanna</i> - <i>Towradgi</i> - <i>Gwynneville</i> - <i>Keiraville</i> - <i>Coniston</i> - <i>Farmborough Heights</i> - <i>Brownsville</i> - <i>Wongawilli</i> - <i>Horsley</i> - <i>Koonawarra</i> - <i>Kanahooka</i> - <i>Primbee</i> - <i>Fowlers [Future Town Centre]</i>

	Proposed amendment to WLEP 2009 (Note. To be amended once Translation Detail is finalised)	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)
			<ul style="list-style-type: none"> - <i>Huntley [Future Town Centre]</i> - <i>Avondale Yallah Bay Rd, Yallah [Future Town Centre]</i> <p><i>Small Village</i></p> <ul style="list-style-type: none"> - <i>Farrell Road, Bulli</i> - <i>Rothery St, Bellambi</i> - <i>Bellambi Lane, Bellambi</i> - <i>Cabbage Tree Lane, Fairy Meadow</i> - <i>Thames St, West Wollongong</i> - <i>Princes Hwy, West Wollongong</i> - <i>Crown St, Wollongong</i> - <i>St Johns Ave, Mangerton</i> - <i>Farmborough Rd, Unanderra</i> - <i>Kelly St, Berkeley</i> - <i>Buena Vista Ave, Lake Heights</i> - <i>Weringa Ave, Lake Heights</i> - <i>Lakelands Drive, Dapto</i> - <i>Kent Road, Dapto</i> <p><i>(3) This clause applies to land identified on the Centres Hierarchy Map</i></p> <p><i>(4) In deciding whether or not to grant development consent for development on land identified in Subclause 2 and on the Centres Hierarchy Map, the consent authority must consider the impact of the proposed development on the relevant centre to ensure that development is compatible with the centre and not inconsistent with the centre's position on the centres hierarchy.</i></p>

ITEM 6 PUBLIC EXHIBITION - DRAFT CODE OF MEETING PRACTICE

Following extensive consultation, the NSW Office of Local Government released a new Model Code of Meeting Practice for Local Councils in NSW in November 2021. The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed in the *Local Government (General) Regulation 2021* and comprises both mandatory and non-mandatory provisions. This report provides a summary of the mandatory provisions that have changed since the last iteration of the Model Meeting Code, as well as the non-mandatory provisions recommended for adoption.

RECOMMENDATION

Council place the draft Code of Meeting Practice on public exhibition for a period of not less than 42 days, inviting submissions from the public, after which time the policy shall be reported back to Council for adoption with a summary of submissions received.

REPORT AUTHORISATIONS

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

ATTACHMENTS

- 1 Draft Code of Meeting Practice Policy
- 2 Model Code of Meeting Practice 2021

BACKGROUND

Council must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code within 12 months of the local government elections. Council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions. Council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Meeting Code and any other supplementary provisions adopted by the council.

The Model Meeting Code contains new provisions that allow councils to permit individual councillors to attend meetings by audio-visual link and to hold meetings by audio-visual link in the event of natural disasters or public health emergencies. The provisions governing attendance at meetings by audio-visual link are non-mandatory. It is proposed to take on an amended version of these provisions to meet Council's own needs.

Amendments have also been made to the provisions governing the webcasting of meetings and disorder at meetings to reflect amendments to the Regulation since the previous iteration of the Model Meeting Code was prescribed.

An amendment has also been made to the Model Meeting Code implementing recommendation 6 in ICAC's report in relation to its investigation of the former Canterbury City Council (Operation Dasha). ICAC recommended that the Model Meeting Code be amended to require that council business papers include a reminder to Councillors of their oath or affirmation of office, and their conflict of interest disclosure obligations.

The repeal date for section 237 of the Regulation which exempts councils from the requirement under clause 5.2 of the previous iteration of the Model Meeting Code for Councillors to be personally present at meetings in order to participate in them has been extended to 30 June 2022. This is to allow councils time to exhibit and adopt new codes of meeting practice containing provisions allowing attendance by audio-visual link at meetings. If Council has not adopted a new meeting code that allows Councillors to attend meetings by audio-visual link, they will not be permitted to do so after 30 June 2022.

By publicly exhibiting and adopting a new Code of Meeting Practice prior to the 30 June 2022 deadline Council will ensure clarity of process on how Council will consider and approve attendance at meetings via audio-visual link.

PROPOSAL

A thorough review of both the new Model Code and Council's existing Code of Meeting Practice has been undertaken by Council's Governance Unit. A summary is provided below of significant changes proposed in the Draft Code of Meeting Practice:

Clause reference	Details	Action	Reason
cl3.10 of Draft Code	Amend clause to allow notice of less than 3 days (previously 7 days) for an extraordinary meeting called in an emergency.	Amendment to existing clause	Amended to be consistent with legislation, previous provision was restrictive
cl3.12 of Draft Code	New Clause to allow the General Manager to prepare a report in relation to a notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.	Non-Mandatory Clause recommended for inclusion	Allows the General Manager to outline legal, strategic, financial or policy implications which should be taken into consideration by the meeting
cl3.24 of Draft Code	New Clause to require a statement in all Business Papers reminding Councillors of their Oath/Affirmation of Office and their obligations to disclose and appropriately manage conflicts of interest.	Mandatory Clause	Mandatory clause introduced by OLG in response to recommendations from ICAC Operation Dasha
cl3.28 of current Code	Deletion of clause providing that 4 copies of the Agenda and Business Paper will be provided to public at each meeting	Delete clause	Due to COVID safety measures this practice has been discontinued for over 12 months. The Agenda and Business Paper are available on council's website.
cl3.37 to cl3.41 of Draft Code	New section confirming arrangements for Councillor Briefings, including confirming that conflicts of interest must be managed at briefings the same as they would for meetings	Non-Mandatory Clause recommended for inclusion	No change to existing process for briefings is recommended, however inclusion of this section provides transparency on operation of briefings
cl5.16 to cl5.30 of Draft Code	New section confirming arrangements for the application and approval process for individual Councillor attendance at meetings via audio-visual link	Non-Mandatory Clauses recommended for inclusion	From 30 June 2022 existing temporary amendments to the Local Government (General) Regulation 2021 will expire. Council must adopt provisions to show how it will manage remote attendance.
cl5.38 to cl5.43 of Draft Code	Amendment of existing webcasting clauses	Mandatory Clauses	Replacing existing wording with new wording of mandatory clauses in model code. No change in application or process

cl5.48 of Draft Code	New clause allowing attendance of General Manager and staff by audio-visual means	Mandatory Clause	New mandatory clause required to be adopted
cl9.11 of Draft Code	New Clause to allow the General Manager to prepare a report in relation to a Lord Mayoral Minute for inclusion with the business papers for the meeting at which the minute is to be considered by the Council.	Non-Mandatory Clause recommended for inclusion	Allows the General Manager to outline legal, strategic, financial or policy implications which should be taken into consideration by the meeting
cl11.05 to cl 11.08 of Draft Code	Amendment of existing voting clauses	Mandatory Clauses	Replacing existing wording with new wording of mandatory clauses in model code. No change in application or process
cl14.20 of Draft Code	New clause outlining obligations of councillors attending meetings by audio-visual link to ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.	Non-Mandatory Clause recommended for inclusion	New clause proposed to reinforce non-public attendance in situations where Councillors attend via audio-visual link
cl15.20 - cl15.21 of Draft Code	New clauses outlining how disorder by Councillors attending by audio-visual link will be dealt with	Non-Mandatory Clauses recommended for inclusion	New clauses proposed to outline how disorder of Councillors attending via audio-visual link will be dealt with, including circumstances when the audio-visual link will be terminated
cl16.2 of Draft Code	New clause outlining obligations of councillors attending meetings by audio-visual link in relation to conflicts interests	Non-Mandatory Clause recommended for inclusion	New clause proposed to reinforce conflicts of interest requirements where Councillors attend via audio-visual link
cl17.12 to cl 17.14 of Draft Code	Amendment of existing clauses relating to rescission motions being considered at the same meeting	Non-Mandatory Clauses recommended for amendment	Replacing existing wording with new wording of non-mandatory clauses in model code. No change in application or process
New Attachment 3	New Attachment to Policy New attachment will incorporate the procedure for nomination and election of Councillors to represent Council on Committees and external bodies which currently is contained in the <i>"Appointment of Councillor Delegates to Committees Policy"</i>	Procedure from existing Council Policy recommended for incorporation into the Code of Meeting Practice	As the nomination and election process occurs within the Council Meeting it is appropriate that the rules for conduct of the nomination and election process are contained in the Code of Meeting Practice, so that all matters relating to meetings are contained in the Code.

Appointment of Councillor Delegates to Committees Policy

Council has an existing *Appointment of Councillor Delegates to Committees Policy* that defines the nomination and election process for Councillors to represent Council on Committees and external bodies. As the nomination and election process occurs within the Council Meeting it is considered appropriate that the rules for conduct of the nomination and election process are contained in the Code of Meeting Practice. This will ensure that all matters relating to meetings are contained in the Code of Meeting Practice, as a single source of truth.

The Draft Code of Meeting Practice has included the procedures for the nomination and election of Councillors to Committees and external bodies from the existing policy and the revocation of the *Appointment of Councillor Delegates to Committees Policy* is recommended on the final adoption of the Code of Meeting Practice.

CONSULTATION AND COMMUNICATION

In accordance with s361 of the Local Government Act, 1993 Council must give public notice of the draft code after it is prepared and exhibit it publicly for a period not less than 28 days. The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the Council. A further report will be made to Council at the end of the public exhibition and submission period.

PLANNING AND POLICY IMPACT

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

It specifically delivers on core business activities as detailed in the Governance and Customer Service Plan 2021-22.

RISK MANAGEMENT

Until Council adopts a new Code of Meeting Practice, its existing Code of Meeting Practice will remain in force up until six months from the date on which the new Model Meeting Code was prescribed in November 2021. If Council fails to adopt a new Code of Meeting Practice within this period, any provisions of the Council’s adopted meeting Code that are inconsistent with the mandatory provisions of the Model Meeting Code prescribed under the Regulation will automatically cease to have any effect to the extent that they are inconsistent with the mandatory provisions of the Model Meeting Code.

There is a risk that failure to adopt a new Code of Meeting Practice by the end of May 2022 may lead to confusion as to the provisions that apply to Council meetings from that date. To mitigate this risk it is proposed that Council develop, publicly exhibit and adopt a new code of meeting practice prior to the end of May 2022.

FINANCIAL IMPLICATIONS

There are no direct financial implications from the proposed amendments to the Code of Meeting Practice.

CONCLUSION

Adoption of a new Code of Meeting Practice that is consistent with the provisions of the Model Meeting Code will ensure that Council Meetings are conducted in accordance with Legislative requirements and that Council meets its obligations to review the Code of Meeting Practice in the first 12 months of each new term of Council.



CODE OF MEETING PRACTICE COUNCIL POLICY

Adopted by COUNCIL: [TO BE COMPLETED BY GOVERNANCE]

PURPOSE

This Code applies to all meetings of Council and Committees of Council of which all the members are Councillors (Committees of Council). Council Committees whose members include persons other than Councillors may adopt their own rules for meetings unless Council determines otherwise.

Council and Committees of the Council of which all the members are Councillors must conduct its meetings in accordance with this Code of Meeting Practice.

Council must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Meeting Code.

Council's Code of Meeting Practice may incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions, however, must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

POLICY INTENT

The main objectives of this policy are to:

- ensure that all meetings of Council and its Committees are conducted in an orderly and proper manner.
- ensure that all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process.
- assist with the conduct of discussion and debate during Council and Committee meetings.
- increase Council's professionalism, transparency and accountability to the community.
- ensure that all Councillors understand their rights and obligations during Council and Committee meetings.
- ensure that all Councillors have an equal opportunity to participate fully in the meeting.
- ensure that Councillors participate in meetings that engender a positive meeting environment that is without malice and avoids insulting, improper or defamatory statements; and
- be an effective aid to good governance.

CODE OF MEETING PRACTICE

COUNCIL POLICY

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CODE OF MEETING PRACTICE

COUNCIL POLICY

PART 1 – INTRODUCTION

Conduct of meetings of Council and Committees

- 1.1. The regulations may make provisions with respect to the conduct of meetings of Council and Committees of Council of which all members are Councillors.
- 1.2. Council must adopt a Code of Meeting Practice which incorporates the regulations made for the purpose of this section and supplement those regulations with provisions that are not inconsistent with them.
- 1.3. Council and Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by it.

LGA 360

PART 2 – MEETING PRINCIPLES

- Transparent:** Decisions are made in a way that is open and accountable.
- Informed:** Decisions are made based on relevant, quality information.
- Inclusive:** Decisions respect the diverse needs and interests of the local community.
- Principled:** Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:** The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:** Councillors, staff and meeting attendees treat each other with respect.
- Effective:** Meetings are well organised, effectively run and skilfully chaired.
- Orderly:** Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Model Meeting Code

PART 3 – BEFORE THE MEETING

Timing of ordinary Council meetings

- 3.1 Council is required to meet at least 10 times each year, each time in a different month.
- 3.2 The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

LGA 365

Model Meeting Code

Extraordinary meetings

- 3.3 If the Lord Mayor receives a request in writing signed by at least two Councillors (the Lord Mayor can be one of the two Councillors), the Lord Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event, no more than fourteen (14) days after receipt of the request.
- 3.4 The General Manager, in consultation with the Lord Mayor, may call an extraordinary meeting of Council if considered necessary and appropriate.

LGA 366

Council protocol

Notice to the public of Council meetings

- 3.5 The Council must give notice to the public of the times and places of meetings of Council, including extraordinary meetings, and committees of which all members are Councillors.

LGA 9(1)

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 3.6 For the purposes of clause 3.5, notice of a meeting of the Council and of a Committee of Council is to be published before the meeting takes place. The notice must be published on Council's website, and in such other manner that Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.7 For the purposes of clause 3.5, notice of more than one meeting may be given in the same notice.
Model Meeting Code

Notice to Councillors of ordinary Council meetings

- 3.8 The General Manager must send to each Councillor, at least three (3) days before each meeting of Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.
LGA 367(1)
- 3.9 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.
LGA 367(3)

Note: Councillors are provided with Laptop computers for Council business. All papers provided electronically.

Notice to Councillors of extraordinary meetings

- 3.10 Notice of less than three days may be given of an extraordinary meeting called in an emergency.
LGA 367(2)

Giving notice of business to be considered at Council meetings

- 3.11 A Councillor may give notice of any business they wish to be considered by Council at its next ordinary meeting by way of a Notice of Motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by 5pm 13 calendar days before the meeting is to be held.
- 3.12 If the General Manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting has legal, strategic, financial (immediate or significant) or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council. Alternatively, the General Manager may include relevant information with the published version of the notice of motion
- 3.13 For the purposes of considering the application of clause 3.12, an immediate financial implication would include a notice of motion that would, if resolved, require an amendment to Council's adopted Operational Plan or Delivery Program.

Council Protocol

Withdrawal of a Notice of Motion

- 3.14 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

Model Meeting Code

Note: For the purposes of Clause 3.14, written requests to withdraw a notice of motion must be received at least 8 days before a Council meeting to ensure it is removed from the public business paper.

Council protocol

CODE OF MEETING PRACTICE

COUNCIL POLICY

Questions with notice

- 3.15 A Councillor may, by way of a notice submitted under clause 3.11, ask a question for response by the General Manager about the performance or operations of Council.
- 3.16 A Councillor is not permitted to ask a question with notice under clause 3.15 that comprises a complaint against the General Manager or a member of staff of Council, or a question that implies wrongdoing by the General Manager or a member of staff of Council.
- 3.17 The General Manager or their nominee may respond to a question with notice submitted under clause 3.15 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Model Meeting Code

Agenda and business papers for ordinary meetings

- 3.18 The General Manager must cause the agenda for a meeting of Council or a committee of Council to be prepared as soon as practicable before the meeting.
- 3.19 The General Manager must ensure that the agenda for an ordinary meeting of Council states:
- a all matters to be dealt with arising out of the proceedings of previous meetings of Council, and
 - b if the Lord Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - c all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - d any business of which due notice has been given under clause 3.11.
- 3.20 Nothing in clause 3.19 limits the powers of the Lord Mayor to put a Lord Mayoral minute to a meeting under clause 9.7.
- 3.21 The General Manager must not include in the agenda for a meeting of Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.

Model Meeting Code

Agenda and business paper for closed session of Council

- 3.22 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:
- a identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - b states the grounds under section 10A(2) of the Act relevant to the item of business, which must be one of the following –
 - i personnel matters concerning particular individuals (other than Councillors).
 - ii the personal hardship of any resident or ratepayer.
 - iii information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - iv commercial information of a confidential nature that would, if disclosed –
 - prejudice the commercial position of the person who supplied it; or
 - confer a commercial advantage on a competitor of the Council; or

CODE OF MEETING PRACTICE

COUNCIL POLICY

- reveal a trade secret.
- v information that would, if disclosed, prejudice the maintenance of law.
- vi matters affecting the security of the Council, Councillors, Council staff or Council property.
- vii advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- viii information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- ix alleged contraventions of any Code of Conduct requirements applicable under section 440.

LGA 9(2A) and 10A(2)

- 3.23 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Model Meeting Code

Statement of Ethical Obligations

- 3.24 Business papers for all ordinary and extraordinary meetings of the Council and Committees of the Council must contain a statement reminding Councillors of their Oath or Affirmation of Office made under section 233A of the Act and their obligations under the Council's code of conduct to disclose and appropriately manage conflicts of interest.

Model Meeting Code

Availability of the agenda and business papers to the public

- 3.25 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.
- 3.26 Clause 3.25 does not apply to the business papers for items of business that the General Manager has identified under clause 3.22 as being likely to be considered when the meeting is closed to the public.
- 3.27 For the purposes of clause 3.25, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.
- 3.28 A copy of an agenda, or of an associated business paper made available under clause 3.25, may in addition be given or made available in electronic form.

LGA 9 (2)-(5)

- 3.29 Council's agenda and business paper or individual reports may be obtained from Council's Customer Service Centre or the Libraries free of charge.
- 3.30 Councillors will receive Agendas and Business Papers electronically ten calendar days prior to an ordinary Council meeting.
- 3.31 Council will publish agendas and business papers to its website seven calendar days prior to an ordinary Council meeting, except where that day is a public holiday. In such cases, Council will publish the agenda and business papers on the next working day.

Council protocol

CODE OF MEETING PRACTICE

COUNCIL POLICY

Agenda and business papers for extraordinary meetings

- 3.32 The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- 3.33 Despite clause 3.32, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:
- a a motion is passed to have the business considered at the meeting, and
 - b the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 3.34 A motion moved under clause 3.33(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.35 Despite clauses 10.24-10.34, only the mover of a motion moved under clause 3.33(a) can speak to the motion before it is put.
- 3.36 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.33(b) on whether a matter is of great urgency.

Model Meeting Code

Briefing sessions

- 3.37 The General Manager may hold briefing sessions to brief councillors on business that may be considered by Council at future meetings.
- 3.38 Briefing sessions are to be held in the absence of the public.
- 3.39 Briefing sessions may be held by audio-visual link.
- 3.40 Councillors must not use briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.41 Councillors (including the Lord Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing session, in the same way that they are required to do so at a council or committee meeting. Council will maintain a written record of all conflict of interest declarations made at briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

Council protocol

PART 4 – PUBLIC ACCESS FORUM

Public access forum – members of the public addressing Council

- 4.1 Members of the public will be permitted to address Council or a Committee of Council on matters falling within the jurisdiction and Charter of Council as outlined in the *Local Government Act 1993*. There will be a limit of six speakers / 30 minutes in total for such addresses.
- 4.2 Notwithstanding clause 4.1, applications to address an extraordinary meeting of Council must relate only to the business included in the extraordinary meeting business paper.
- 4.3 All addresses must be conducted in accordance with the requirements of this Code relating to the conduct of Council and Committee meetings.
- 4.4 Public forums are to be chaired by the Lord Mayor, or in their absence, the Chairperson of the meeting within which the public forum is being held.

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 4.5 Council may determine that public forum will be conducted via an audio-visual link, rather than an in person address, in circumstances where public safety might be compromised by an in person address.
- 4.6 To speak at a public forum, a person must first make an application to the Council in the approved form, available on Council's website. Applications to speak at the public forum must be received by 12 noon on the working day before the date on which the public forum is to be held, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.7 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.8 The General Manager or their delegate may refuse an application to speak at a public forum.
- 4.9 No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
- 4.10 If more than the permitted number of speakers applies to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. Alternatively, the General Manager, or their delegate, is to determine who will address the Council at the public forum.
- 4.11 A person may apply to speak to no more than one item of the business agenda of the Council meeting.
- 4.12 The General Manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed five minutes to address the Council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the matter they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to so digress. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument to clarify points raised by the speaker.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are limited to 2 minutes.
- 4.17 Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- 4.18 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council for up to five minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the Council, speakers at public forums must comply with this Code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Codes of Conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate.
- 4.24 Councillors (including the Lord Mayor) must disclose and manage any conflict of interests they may have in relation to any item of business that is the subject of an address at a public forum in the same way that they are required to do so at a Council or Committee meeting. The Council is to maintain a written record of all conflicts of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

Eligibility criteria

- 4.25 Applicants seeking to address Council meetings must meet one of the following criteria:
- a a resident or owner of land within the City of Wollongong Local Government Area
 - b a person or entity entitled to vote in the City of Wollongong under the *Local Government Act 1993*, or where that voter is not a natural person, the nominee of the entity with its written authority
 - c the nominee of an entity owning land, conducting a business or providing a service in the City of Wollongong Local Government Area
 - d a duly appointed person including the legal, financial or town planning representative of any person or entity listed above with a matter before Council (written authority must be provided)
 - e legal representatives acting on behalf of others must identify their status as a legal representative when applying to speak at the public forum.
 - f a person or nominee of an organisation invited to speak by a Councillor and approved by the General Manager where that person has demonstrated expertise on an issue being considered by Council at that meeting, subject to the 30 minute/six speaker provision outlined in clause 4.1 of this Code.
 - g a representative of a State or Federal Government Agency with a matter before Council.

Exclusions

- 4.26 Applications will not be accepted from nominated candidates at federal, state or local government elections and serving councillors.
- 4.27 Addresses will not be permitted on:
- a Issues relating to development applications, currently under assessment
 - b Matters where there have been opportunities through Council-run engagement activities for community members to publicly address a formal Council or Agency hearing and have views recorded for public record. These opportunities would include but not be limited to public meetings, public hearings and meetings of the Independent Hearing and Assessment Panel
 - c Any matter where the applicant has previously addressed Council on the same subject matter, as part of a Public Access Forum, within the previous 12 months
 - d Notices of Rescission
 - e Business paper items which have been 'laid on the table'
 - f Procurement matters, such as formal tenders, quotations, expressions of interest, or calls for proposals.
 - g Matters where legal action has been commenced involving Council or where Council is in receipt of, or has served:

CODE OF MEETING PRACTICE

COUNCIL POLICY

- i. a Statement of Claim
- ii. a Summons
- iii. a Subpoena to attend Court or produce documents
- h Staff related matters.

Council protocol

PART 5 – COMING TOGETHER

Attendance by Councillors at meetings

- 5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of Committees of the Council of which they are members.

Note: A Councillor may not attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected or a meeting at which the Councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A Councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

Model Meeting Code

Leave of absence

- 5.3 Where a Councillor is unable to attend one or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.4 A Councillor's request for leave of absence from Council meetings should, where practicable, identify (by date) the meetings from which the Councillor intends to be absent and the reason the absence is sought. This request is to be lodged with the General Manager and submitted to the next meeting of Council for determination.

- 5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.

Model Meeting Code

- 5.6 A councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive ordinary meetings of the Council without the prior leave of the Council, or leave granted by Council at any of the meetings concerned, unless the holder is absent because he or she has been suspended from office under the Act or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA of the Act.

LGA 234 (1) (d)

- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

- 5.8 Clause 5.7 does not prevent Council from granting further leave of absence in respect of any future Council meeting.

LGA 234 (3)-(4)

CODE OF MEETING PRACTICE

COUNCIL POLICY

Quorum for a Meeting

- 5.9 The quorum for a meeting of Council is a majority of the Councillors who hold office for the time being and are not suspended from office.

LGA Sec 368(1)

- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

LGA 368(2)

- 5.11 A meeting of the Council must be adjourned if a quorum is not present:

- a at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- b within half an hour after the time designated for the holding of the meeting, or
- c at any time during the meeting.

- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:

- a by the chairperson; or
- b in his or her absence – by the majority of the Councillors present; or
- c failing that, by the General Manager.

- 5.13 The General Manager must record in the Council minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of Council, together with the names of the Councillors present.

Model Meeting Code

- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or public health emergency, the Lord Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.3 or 3.4.

Model Meeting Code

Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the General Manager determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The General Manager may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk.

- 5.17 Where the General Manager determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:

- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
- (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
- (c) cause a notice to be published on the council's website and in such other manner the to

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COUNCIL POLICY

bring to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Model Meeting Code

Note: *Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.*

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link.
- 5.20 The General Manager, following consultation with the Lord Mayor, may approve a request by a councillor for approval to attend a single meeting by audio-visual link, following a request made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person. The General Manager may place any request made under this clause before Council for approval by resolution.
- 5.21 The Council may approve by resolution, a Councillors request to attend more than one meeting by audio-visual link, or a consecutive meeting following attendance by audio-visual means at the previous meeting. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in that meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 With the exception of one off requests approved by the General Manager under clause 5.20, a decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- (a) the meetings the resolution applies to, and
 - (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link, made under clause 5.21, is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to

CODE OF MEETING PRACTICE

COUNCIL POLICY

appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.

- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Model Meeting Code

Entitlement of the public to attend Council meetings

- 5.31 Except as provided elsewhere in this Code:
- a everyone is entitled to attend a meeting of the Council and those of its committees of which all the members are Councillors; and
 - b a Council must ensure that all meetings of the Council and of such Committees are open to the public.
- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.33 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of a Committee if expelled from the meeting:
- a by a resolution of the meeting; or
 - b by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- 5.34 A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by the Regulations – refer Part 15 of this Code.

LGA Sec 10

Public attendance at closed Council meetings

- 5.35 Council is able to invite members of the public to address Closed Council meetings on specific matters where it is necessary for the provision of advice. Invited members would be required to leave the meeting prior to voting being undertaken on the matter.
- 5.36 In undertaking such action Council needs to be mindful that invitations may affect its appearance of impartiality and improper conduct in a matter.
- 5.37 All persons invited to a Closed Council meeting in accordance with this Clause are subject to the non-disclosure provisions of section 664 of the Act.

Council protocol

Webcasting of meetings

- 5.38 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.

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COUNCIL POLICY

- 5.39 At the start of each meeting the chairperson or their delegate is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.40 The recording of a meeting is to be made publicly available on the council's website:
- at the same time as the meeting is taking place, or
 - as soon as practicable after the meeting.
- 5.41 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.42 Clause 5.38 and clause 5.39 do not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.43 Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

Model Meeting Code

Attendance of the General Manager and other staff at meetings

- 5.44 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all of the members are Councillors.
- 5.45 The General Manager is entitled to attend a meeting of any other Committee of the Council and may, if a member of the committee, exercise a vote.
- 5.46 The General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.
- 5.47 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.
- 5.48 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

LGA 376

Model Meeting Code

PART 6 – THE CHAIRPERSON

The chairperson at meetings

- 6.1 The Lord Mayor or, at the request of or in the absence of the Lord Mayor, the Deputy Lord Mayor presides at meetings of the Council.
- 6.2 If the Lord Mayor or Deputy Lord Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

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Election of the chairperson in the absence of the Lord Mayor and Deputy Lord Mayor

- 6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 6.4 The election must be conducted:
- a by the General Manager or, in their absence, an employee of Council designated by the general manager to conduct the election; or
 - b by the person who called the meeting or a person acting on their behalf if neither a General Manager nor a designated employee is present at the meeting.
- 6.5 If, at an election of a chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of 6.5, the person conducting the election must:
- a arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - b then folds the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Model Meeting Code

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the Council:
- a any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat, and;
 - b every Councillor present must be silent to enable the chairperson to be heard without interruption.

Model Meeting Code

PART 7 – MODE OF ADDRESS

- 7.1 To facilitate debate, Councillors, with the exception of the chairperson, are to stand in their place when speaking at a meeting of Council, unless prevented from doing so by disability or injury. This procedure does not need to be followed at Committee meetings or in circumstances where the chairperson rules that standing is not required.
- 7.2 In addressing Council, Councillors and other persons addressing the Council will use the appropriate modes of address, being:
- a 'Lord Mayor' to the Lord Mayor
 - b 'Deputy Lord Mayor' to the Deputy Lord Mayor
 - c 'Mr or Madam Chair' (where the chairperson is not the Lord Mayor or Deputy Lord Mayor)
 - d 'Councillor [surname]' to fellow Councillors, and
 - e Council officers are to be addressed by their official designation or as Mr/Ms [surname].
- 7.3 Councillors will at all times conduct themselves in accordance with the general conduct obligations contained within Council's adopted Code of Conduct. Councillors will respect the right of their fellow Councillors to speak without interruption, will only speak when called upon by the chairperson and should speak through the chairperson, or the General Manager when addressing a question to staff.

Council Protocol

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PART 8 – ORDER OF BUSINESS AT COUNCIL MEETINGS

Order of business at ordinary meetings

8.1 At a meeting of the council, the general order of business is as fixed by resolution of the Council.

8.2 The order of business at ordinary meetings of Council will be:

1. Opening meeting
2. Acknowledgement of traditional owners
3. Civic prayer
4. Apologies and applications for leave of absence by Councillors or attendance by audio-visual link for Councillors
5. Confirmation of minutes
6. Disclosures of interests
7. Petitions and presentations
8. Public access forum
9. Call of the agenda
10. Lord Mayoral minute
11. Urgent items
12. Reports to Council
13. Reports of committees
14. Items laid on the table
15. Notices of motion(s)/Questions with notice
16. Notice of Rescission or Alteration motions
17. Confidential Business
18. Conclusion of meeting

8.3 The order of business fixed under 8.1 may be altered if a motion to that effect is passed. Such a motion can be moved without notice and requires a seconder.

8.4 Despite Clauses 10.24-10.34 only the mover of a motion referred to in 8.3 may speak to the motion before it is put.

Order of business at extraordinary meetings

8.5 The order of business at extraordinary meetings of Council, where required will be:

1. Opening meeting
2. Acknowledgement of Traditional Owners
3. Civic Prayer
4. Apologies and applications for attendance by audio-visual link for Councillors
5. Disclosures of interests
6. Public Access Forum¹
7. Call of the Agenda
8. Lord Mayoral Minute
9. Reports to Council
10. Notices of Motion(s)
11. Notice of Rescission motion
12. Urgent Items
13. Confidential Business

¹ Refer to clause 4.2 of this Code which states that applications to address an extraordinary meeting of Council must relate only to the business included in the extraordinary meeting business paper

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14. Conclusion of meeting

Model Meeting Code and Council protocol

PART 9 – CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a Council meeting

9.1 Council must not consider business at a meeting of the Council:

- a unless a Councillor has given notice of the business, as required by clause 3.11; and
- b unless notice of the business has been sent to the Councillors in accordance with Clause 3.8 in the case of an ordinary meeting or 3.10 in the case of an extraordinary meeting called in an emergency.

9.2 Clause 9.1 does not apply to the consideration of business at a meeting if the business:

- a is already before, or directly relates to a matter that is already before the Council, or
- b is the election of a chairperson to preside at the meeting,
- c subject to clause 9.10, is a matter or topic put to the meeting by way of a Lord Mayoral minute, or
- d is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.

9.3 Despite Clause 9.1 business may be considered at a meeting of Council even though due notice of the business has not been given to the Councillors if:

- a a motion is passed to have the business considered at the meeting, and
- b the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.25-10.35, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.

9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

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9.6 If, after the Councillor has addressed the Council, Council has resolved the business may be considered, and the chairperson has ruled the matter is of great urgency, then the motion is moved, seconded, debated and voted on.

Council protocol

Lord Mayoral Minutes

9.7 Subject to clause 9.10, if the Lord Mayor² is the chairperson at a meeting of the Council, the Lord Mayor may, by minute signed by the Lord Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.

9.8 A Lord Mayoral minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Lord Mayor) may move the adoption of a Lord Mayoral minute without the motion being seconded.

² No other Councillor when chairing a meeting of the Council, except the Deputy Lord Mayor when acting in the official capacity as acting Lord Mayor during a period of the Lord Mayor's absence, may put forward a Lord Mayoral minute without notice.

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- 9.9 A recommendation made in a Lord Mayoral minute put by the Lord Mayor is, so far as it is adopted by the Council, a resolution of the Council.
- 9.10 A Lord Mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.11 If the General Manager considers that a Lord Mayoral Minute, submitted for consideration at an ordinary meeting has legal, strategic, financial (immediate or significant) or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the Lord Mayoral Minute for inclusion with the business papers for the meeting at which the Lord Mayoral Minute is to be considered by the Council. Alternatively, the General Manager may include relevant information with the published version of the Lord Mayoral Minute
- 9.12 For the purposes of considering the application of clause 9.11, an immediate financial implication would include a notice of motion that would, if resolved, require an amendment to Council's adopted Operational Plan or Delivery Program.

Council Protocol

Staff reports

- 9.13 A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.

Reports of Committees of Council

- 9.14 The recommendations of a Committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.
- 9.15 If in a report of a Committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

Questions to Councillors and employees

- 9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.11 (notice of motion) and 3.15 (questions with notice).
- 9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.
- 9.16 A Councillor may, through the general manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the general manager.
- 9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

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Laying an item 'on the table'

- 9.20 A Councillor may move a Procedural Motion that an item 'lie on the table'. If the motion is successful, no further debate can be undertaken until there is a Procedural Motion for the item to be 'taken off

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the table'. Such a motion is not debatable and there can be no amendments or right of reply. This motion can be moved only once during the discussion of any substantive motion and if the motion is carried while an amendment is before the Chair, both the amendment and the original motion are laid on the table.

- 9.21 At the end of the Council meeting at which the item was 'laid on the table' the chairperson will remind Councillors that there are matter/s 'on the table' which Council may now wish to consider. Otherwise, the matter/s will appear on the agenda and business paper for the next ordinary Council meeting.
- 9.22 If and when the item is 'taken off the table' debate resumes where it left off, with Councillors who have already spoken (other than the mover in reply) having no further right to speak, unless the procedural motion to take the item 'off the table' calls for the speakers list to be recommenced.

Splitting Motions for Debate

- 9.23 Where Council is considering a report of a complex nature or contains multiple recommendations a Councillor may move a Procedural Motion that the motions before the meeting be split and determined either in groups or individually. In this instance Council will record the names of the Councillors supporting and those opposing each of the split motions however only one Minute number for the report will be included in the Council Minutes.

[Council protocol]

PART 10 – RULES OF DEBATE

Motions to be seconded

- 10.1 Unless otherwise specified in this Code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notice of motion

- 10.2 A Councillor who has submitted a notice of motion under clause 3.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a Councillor who has submitted a notice of motion under clause 3.11 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.
- 10.4 In the absence of a Councillor who has placed a Notice of Motion on the agenda for a meeting of Council:
- a any other Councillor may, with the leave of the chairperson, move the motion at the meeting; or
 - b the chairperson may defer consideration of the motion until the next meeting of Council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

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- 10.9 The chairperson is to ensure that motions and amendments are clearly stated for the benefit of all present and may request a Councillor to repeat the motion or amendment if unclear or inaudible.

Council protocol

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one motion and one proposed amendment can be before Council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the Councillors who moved and seconded the original motion, i.e. the amendment becomes a variation to the original motion.
- 10.17 The amendment must be moved before debate on the motion has been concluded and the right of reply of the mover of the motion has been exercised.
- 10.18 It is not in order to propose an amendment which is, in effect, the same as one already rejected or which reserves the intention of one already adopted.
- 10.19 Once an amendment has been moved and seconded, it cannot be withdrawn without the consent of the meeting.

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Foreshadowed motions and amendments

- 10.20 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.21 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.22 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

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- 10.23 Foreshadowed motions and foreshadowed amendments are required to be moved and seconded before debate can commence.

Council protocol

Limitations on the number or duration of speeches

- 10.24 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put. Remarks in reply must be limited to discussion of issues raised in debate and no new material may be introduced.
- 10.25 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.26 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time.
- 10.27 Despite clause 10.26, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on that motion or amendment, and for longer than five minutes on that motion or amendment, to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.28 Despite clause 10.27, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.29 Despite clauses 10.24 and 10.25, a Councillor may move that a motion or an amendment be now put:
- a if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
 - b if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.
- 10.30 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.29. A seconder is not required for such a motion.
- 10.31 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.24.
- 10.32 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.33 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking.
- 10.34 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

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PART 11 - VOTING

Voting entitlements of chairperson and Councillors

- 11.1 Each Councillor is entitled to one vote.
- 11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

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- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

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Voting at Council meetings

- 11.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.6 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Lord Mayor or Deputy Lord Mayor is to be by secret ballot.

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Record of voting

- 11.10 All voting at Council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 11.11 Council will record all voting in a voting register available on its website at www.wollongong.nsw.gov.au.

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Voting on planning decisions

- 11.12 The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

LGA 375A.

PART 12 – COMMITTEE OF THE WHOLE

- 12.1 The Council may resolve itself into a committee to consider any matter before the Council.

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Note: This refers to a 'Committee of the Whole' which is a Committee of Council comprised of all Councillors.

- 12.2 All the provisions of this code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.24-10.34 limit the number and duration of speeches.

- 12.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

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PART 13 – DEALING WITH ITEMS BY EXCEPTION

- 13.1 The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The Council or committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interests they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's Codes of Conduct.

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PART 14 – CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The Council or a committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- a personnel matters concerning particular individuals (other than Councillors),
 - b the personal hardship of any resident or ratepayer,

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- c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
- d commercial information of a confidential nature that would, if disclosed:
 - i prejudice the commercial position of the person who supplied it, or
 - ii confer a commercial advantage on a competitor of the Council, or
 - iii reveal a trade secret,
- e information that would, if disclosed, prejudice the maintenance of law,
- f matters affecting the security of the Council, Councillors, Council staff or Council property,
- g advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- h information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- i alleged contraventions of the Council's code of conduct.

LGA10A(1) and (2)

14.2 The Council or a committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

LGA 10A(3)

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- a except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- b if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

LGA 10B(1).

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- a are substantial issues relating to a matter in which the Council or committee is involved, and
- b are clearly identified in the advice, and
- c are fully discussed in that advice.

LGA 10B(2)

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.3), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

LGA 10B(3).

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- a a person may misinterpret or misunderstand the discussion, or
- b the discussion of the matter may:

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- i cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
- ii cause a loss of confidence in the Council or committee.

LGA 10B(4)

14.7 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

LGA 10B(5)

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed, but only if:

- a it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- b the Council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - i should not be deferred (because of the urgency of the matter), and
 - ii should take place in a part of the meeting that is closed to the public.

LGA 10C

Representations by members of the public

14.9 The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

LGA 10A(4)

14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

14.11 Where the matter has been identified in the agenda of the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 12 noon on the working day before the meeting at which the matter is to be considered in accordance with Part 4 of this Code.

14.12 The General Manager (or their delegate) may refuse an application made under clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.

14.13 No more than two speakers are to be permitted to make representations under clause 14.9.

14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the General Manager or their delegate is to determine who will make representations to the Council.

14.15 The General Manager (or their delegate) is to determine the order of speakers.

14.16 Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion

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to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two speakers to make representations in such order as determined by the chairperson.

- 14.17 Each speaker will be allowed five minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Model Meeting Code

Expulsion of non-Councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Model Meeting Code

Obligations of councillors attending meetings by audio-visual link

- 14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Model Meeting Code

Information to be disclosed in resolutions closing meetings to the public

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- a the relevant provision of section 10A(2) of the Act,
 - b the matter that is to be discussed during the closed part of the meeting,
 - c the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

LGA 10D

Resolutions passed at closed meetings to be made public

- 14.22 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.
- 14.24 For the purposes of 14.23, at the conclusion of business in Closed Council, Council must resolve that the meeting be open to the public.

Model Meeting Code and Council Protocol

CODE OF MEETING PRACTICE

COUNCIL POLICY

PART 15 – KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A Councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in Part 2.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Model Meeting Code

Questions of order

- 15.4 The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Model Meeting Code

Motions of dissent

- 15.8 A Councillor can, without notice and without a seconder, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent. A Motion of Dissent does not require a seconder.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Model Meeting Code

Acts of disorder

- 15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
- a contravenes the Act or any regulation in force under the Act or this code, or
 - b assaults or threatens to assault another Councillor or person present at the meeting, or
 - c moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
 - d insults or makes unfavourable personal remarks about, or imputes improper motives to any other Council official, or alleges a breach of the Council's code of conduct, or

CODE OF MEETING PRACTICE

COUNCIL POLICY

- e says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.

15.12 The chairperson may require a Councillor:

- a to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
- b to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- c to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

Model Meeting Code

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

Model Meeting Code

Expulsion from meetings

- 15.14 All chairpersons of meetings of the Council and committees of the Council are authorised under this code to expel any person other than a Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the committee of the Council.
- 15.15 Clause 15.14 does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.
- 15.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

Model Meeting Code

How disorder by councillors attending meetings by audio-visual link may be dealt with

15.20 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 15.21 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Model Meeting Code

Use of mobile phones and the unauthorised recording of meetings

- 15.22 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council.
- 15.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee.
- 15.24 Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first- mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Model Meeting Code

Order in the public gallery

- 15.26 Members of the public gallery are:
- a not permitted to interrupt meeting procedures or to engage in any disorderly conduct;
 - b not permitted to address or approach Councillors during the meeting, unless addressing Council via the Public Access Forum;
 - c not permitted to bring any items which are deemed to potentially cause discomfort or a safety risk to Councillors, Council staff or other members of the gallery;
 - d required to switch all mobile phones to 'off' or 'silent' during the course of the meeting;
 - e not permitted to take any food or drink into the Council Chambers.

Council protocol

Security at Council and Committee Meetings

- 15.27 Attendance in the Public Gallery will be limited to the number of seats available. Council will provide arrangements for the attendance of disabled persons at Council meetings.
- 15.28 People attending meetings will not be permitted to stand in the Gallery area, or in or near any doorways and adjacent areas.
- 15.29 On occasions when public meetings are held, public access to the Council Chamber will be available until 9.00pm. Lifts in the Administration Building will be accessible only via security card after 9.00 pm on Council meeting nights.
- 15.30 If the Council Chamber has reached its seating capacity, the attendant on duty will liaise with the Security Officer stationed in the ground floor foyer, who will prevent further public access to Level 10.

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 15.31 If a situation arises where the General Manager, Lord Mayor or Civic Attendant feels it is required, the Police will be called to assist in accordance with the Code of Meeting Practice.

Council protocol

PART 16 – CONFLICTS OF INTERESTS

- 16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with Council's Code of Conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

Model Meeting Code

PART 17 – DECISIONS OF COUNCIL

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.
- 17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

LGA 371

Model Meeting Code

Rescinding or altering Council decisions

- 17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.11.
- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.11.
- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three Councillors if less than three months has elapsed since the resolution was passed, or the motion was lost.
- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.
- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

LGA 372

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.14 with the consent of all signatories to the notice of motion.

Model Meeting Code

- 17.10 A motion to alter or rescind a resolution of the Council may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

LGA 372(6)

- 17.11 Subject to clause 17.7 a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, if brought forward in accordance with clause 17.6.

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.24–10.34, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

[Council protocol]

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- a to correct any error, ambiguity or imprecision in the Council's resolution, or
- b to confirm the voting on the resolution.

- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the Councillor is to propose alternative wording for the resolution.

- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.24–10.34, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

Model Meeting Code

CODE OF MEETING PRACTICE

COUNCIL POLICY

PART 18 – TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the Council and committees of the Council are to conclude no later than 10 pm³.
- 18.2 If the business of the meeting is unfinished at 10 pm, the Lord Mayor will move a Procedural Motion that the meeting be either extended or adjourned. Such a Procedural Motion does not require a seconder.
- 18.3 If the business of the meeting is unfinished at 10 pm, and the Council does not resolve to extend the meeting, the chairperson must either:
- a defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
 - b adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the Council or a committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the General Manager must:
- a individually notify each Councillor of the time, date and place at which the meeting will reconvene, and
 - b publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

Model Meeting Code

PART 19 – AFTER THE MEETING

Minutes of meetings

- 19.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.
- LGA 375(1)*
- 19.2 At a minimum, the General Manager must ensure that the following matters are recorded in the Council's minutes:
- a the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link
 - b details of each motion moved at a Council meeting and of any amendments moved to it,
 - c the names of the mover and seconder of the motion or amendment,
 - d whether the motion or amendment was passed or lost, and
 - e such other matters specifically required under this code.

Model Meeting Code

- 19.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.

LGA 375(2)

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

Model Meeting Code

³ Council protocol

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Model Meeting Code

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The Council and committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.
- 19.10 Clause 19.8 does not apply if the Council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

LGA 11(1-3)

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Model Meeting Code

Implementation of decisions of the Council

- 19.12 The General Manager is to implement, without undue delay, lawful decisions of the Council.

LGA 335(b)

PART 20 – COUNCIL COMMITTEES

Application of this Part This Part only applies to committees of the Council whose members are all Councillors.

Council committees whose members are all Councillors

- 20.2 The Council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the Council is to consist of the Lord Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 20.4 The quorum for a meeting of a committee of the Council is to be:
- a such number of members as the Council decides, or
 - b if the Council has not decided a number – a majority of the members of the committee.

Model Meeting Code

Functions of committees

- 20.5 The Council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Model Meeting Code

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 20.6 Committees of Council comprised of Councillors only may have specific functions delegated to them by Council. Council may also be supported by Liaison and Advisory Committees which comprise Councillor and external membership and act in an advisory capacity.

Council Protocol

Notice of committee meetings

- 20.7 The General Manager must send to each Councillor, regardless of whether they are a committee member, at least three days before each meeting of the committee, a notice specifying:

- a the time, date and place of the meeting, and
- b the business proposed to be considered at the meeting.

- 20.8 Notice of less than three days may be given of a committee meeting called in an emergency.

Model Meeting Code

Attendance at committee meetings

- 20.9 A committee member (other than the Lord Mayor) ceases to be a member of a committee if the committee member:

- a has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- b has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

- 20.10 Clause 20.9 does not apply if all of the members of the Council are members of the committee.

Non-members entitled to attend committee meetings

- 20.11 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:

- a to give notice of business for inclusion in the agenda for the meeting, or
- b to move or second a motion at the meeting, or
- c to vote at the meeting.

Model Meeting Code

Chairperson and deputy chairperson of Council committees

- 20.12 The chairperson of each committee of the Council must be:

- a the Lord Mayor, or
- b if the Lord Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
- c if the Council does not elect such a member, a member of the committee elected by the committee.

- 20.13 The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

- 20.14 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

- 20.15 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the

CODE OF MEETING PRACTICE

COUNCIL POLICY

chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Model Meeting Code

Procedure in committee meetings

- 20.16 Subject to any specific requirements of this code, each committee of the Council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.
- 20.17 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 20.16.
- 20.18 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Model Meeting Code

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.
- 20.20 If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Model Meeting Code

Disorder in committee meetings

- 20.22 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

Minutes of Council committee meetings

- 20.23 Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- a The names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link
 - b details of each motion moved at a meeting and of any amendments moved to it,
 - c the names of the mover and seconder of the motion or amendment,
 - d whether the motion or amendment was passed or lost, including who voted in support of or against each motion and amendment,
 - e such other matters specifically required under this code.
- 20.24 All voting at meetings of committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 20.25 The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.29 The confirmed minutes of a meeting of a committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation.

Model Meeting Code

PART 21 - IRREGULARITIES

21.1 Proceedings at a meeting of a Council or a Council committee are not invalidated because of:

- a a vacancy in a civic office, or
- b a failure to give notice of the meeting to any Councillor or committee member, or
- c any defect in the election or appointment of a Councillor or committee member, or
- d a failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's code of conduct, or
- e a failure to comply with this code.

LGA 374

APPROVAL AND REVIEW

CODE OF MEETING PRACTICE

COUNCIL POLICY

Responsible Division	Governance and Customer Service
Date/s adopted	<i>Council</i> [To be inserted by Governance]
Date/s of previous adoptions	27/05/2019, 24/08/2015, 28/01/2014, 28/05/2012, 26/07/2011, 25/03/2008, 26/06/2006, 09/05/2006, 27/10/2003, 25/02/2002, 17/04/2000, 01/09/1999, 28/09/1998, 14/04/1998, 09/02/1998.
Date of next review	[Not more than two years from last adoption]

CODE OF MEETING PRACTICE

COUNCIL POLICY

ATTACHMENT 1 - DEFINITIONS

Term	Definition
the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion.
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
Code/the Code/this Code	means the Wollongong City Council Code of Meeting Practice
committee of the Council	means a committee established by the Council in accordance with clause 20.2 of this code (being a committee consisting only of Councillors) or the Council when it has resolved itself into committee of the whole under clause 12.1
Council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two Councillors under clause 11.7 of this code requiring the recording of the names of the Councillors who voted both for and against a motion
extraordinary meetings	Extraordinary Meetings are additional meetings to those in the adopted Council meeting cycle and include those called in an emergency.
foreshadowed amendment	means a proposed amendment foreshadowed by a Councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a Councillor under clause 10.17 of this code during debate on an original motion
General Manager	means the General Manager of Wollongong City Council
LGA	means the <i>Local Government Act 1993</i> . Where used, this abbreviation will be followed by numbers and/or letters, which are references to a section of the Act.
motion	a proposal put forward by a Councillor or a Committee member calling for a specific action to be taken or a decision to be made on a particular matter before the meeting.
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
planning decision	means a decision made in the exercise of a function of a Council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act.
performance improvement order	means an order issued under section 438A of the Act

CODE OF MEETING PRACTICE

COUNCIL POLICY

Term	Definition
Petitions	<p>Petitions for the purposes of this Code means petitions to be tabled at a meeting. A Petition is a written request seeking some form of action from Council in relation to a matter on which Council has the power to act or advocate on, that includes the full name, address and signature of at least four people from four different households.</p> <p>NOTE: Petitions are not subject to discussion or debate.</p>
Presentations	<p>Presentations for the purposes of this Code means:</p> <p>(a) <i>Invited speakers</i> Opportunity for invited speakers, eg auditors, to address Council, and/or</p> <p>(b) <i>Notice of receipt of awards and similar</i> Opportunity for Councillors to advise Council of any presentations received by them on behalf of the Council since its last meeting, such as the receipt of awards.</p> <p>NOTE: Presentations are not subject to discussion or debate.</p>
quorum	means the minimum number of Councillors or committee members necessary to conduct a meeting.
the Regulation	means the <i>Local Government (General) Regulation 2021</i> .
Relative	<p>relative, in relation to a person, means any of the following;</p> <p>(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or the person's spouse or de facto partner;</p> <p>(b) the spouse or de facto partner of the person or of a person referred to in paragraph (a).</p>
Variation to a motion	is where a Councillor seeks to vary a motion by obtaining the consent of the mover and seconder of the motion to have the proposed variation included in the motion.
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

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COUNCIL POLICY

ATTACHMENT 2 – TABLE OF PROCEDURAL MOTIONS

Table of Procedural Motions and example motions	Seconded	Clause
Adjourn a meeting <i>Moved/seconded that the Meeting be adjourned to [specify date and time]</i>	YES	Clause 18.3
Dealing with Items by Exception (Call of the agenda) <i>Moved/seconded that [list items numbers] be resolved as a block</i>	YES	Part 13
Extend a speaker's speech time <i>Moved/seconded that Cr [name] be given an additional [specify, up to 5 minutes] to debate the matter</i>	YES	Clause 10.27
Extension of meeting time <i>I Move to extend meeting time to [10.30 pm]</i>	NO	Clause 18.2
Foreshadowed motion or amendment <i>I Foreshadow that if the motion/amendment is lost intend to move the following motion/amendment</i>	NO	Clause 10.21
Lay an item on the table, take item off the table <i>Moved/Seconded that item [number and title] be laid on the table, pending additional information being provided to Councillors at a Councillor briefing.</i> <i>Moved/Seconded that item [number and title] be taken off the table and: debate resumes where it left off OR the list of speakers be recommenced</i>	YES	Clause 9.20
Limit the number of speeches (motion or amendment be now put) <i>I Move the Motion be now Put</i>	NO	Clause 10.30
Motion of dissent <i>I Move to dissent from the ruling of the Chair</i>	NO	Clause 15.8
Motion to transact business without notice (urgency motion) <i>Moved/Seconded that the Council will consider the business without notice</i>	YES	Clause 9.3(a)
Point of order <i>I Move a point of Order that [specify point]</i>	NO	Clause 15.1
Split motions for debate <i>Moved/seconded that recommendation for item [number] be voted on separately as follows [points 1 and 2 OR points 1 and 2 together and points 3-5 together]</i>	YES	Clause 9.23
Suspend standing orders (changing order of business) <i>Moved/seconded that standing orders be suspended, and item [number] be considered ["here" or "after staff reports" etc].</i>	YES	Clause 8.3

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ATTACHMENT 3 – PROCEDURE FOR THE APPOINTMENT OF COUNCILLOR DELEGATES TO COMMITTEES AND EXTERNAL BODIES

Appointments

- ⇒ Councillors are only to be appointed to Committees, and to represent Council on external bodies, by resolution of Council.

Number of Councillors to be appointed

- ⇒ The number of Councillors to be appointed to a Committee, or external body, is subject to the relevant 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 on an annual basis, generally at the first Council meeting each September.

Nominations

- ⇒ Councillors will be invited to submit their nominations prior to the close of the Business Paper for the Council meeting where elections are scheduled to be held, with candidate names included in the business paper. Where the number of nominations received is less than the number of available positions, Councillors will be invited to nominate from the floor of Council.
- ⇒ Councillors may self-nominate for a position on a committee or external body, no seconder is required.
- ⇒ Councillors do not need to be present at the Council meeting where the election of councillor delegates to committees is held in order to be elected, however they must ensure their nomination is received by the Returning Officer prior to the commencement of the Council meeting.

Alternate delegates

- ⇒ Where a committee, or external body, requests an 'alternate delegate' to be appointed, elections will be conducted following the election of the 'delegates' to the committee. Alternate delegates do not have voting rights on a committee unless they attend on behalf of an absent delegate. Alternate delegates may attend Council's committee meetings as observers at other times with the consent of the committee.
- ⇒ Councillor delegates are responsible for advising an alternate delegate if they are unavailable for a meeting and request the alternate delegate to attend on behalf of Council.

Method of election

- ⇒ The Returning Officer is the General Manager or another person delegated by the General Manager.
- ⇒ The chairperson does not have a casting vote in an election.
- ⇒ Elections are to be conducted by open means, on a show of hands.
- ⇒ The process will be:

Opportunity to withdraw Nominations

- 1 The Returning Officer will ask if any candidate wishes to withdraw any nomination.
- 2 Candidates may not withdraw from the election process once Councillors are invited to cast their votes.

Number of nominations received is equal to the number of available vacancies

Where the Returning Officer has received a number of nominations that is equal to the number of vacancies on a committee or external body, they will declare those Councillors ELECTED.

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COUNCIL POLICY

Number of nominations received is less than the number of available vacancies

Where the number of nominations received is less than the number of vacancies on that committee or external body, the Returning Officer will invite nominations from the floor of Council.

- If the number of nominations received is equal to the number of vacancies, the Returning Officer will declare those Councillors elected.
- If the number of nominations received is greater than the number of vacancies, the Returning Officer will proceed to a vote.
- Where the number of nominations received remains less than the number of available positions, those nominees will be declared ELECTED. Any remaining position/s will remain vacant until such time as Council resolves to fill them.

Number of candidates is greater than the number of available positions

Where the number of nominations received is greater than the number of vacancies on a committee or external body, the Returning Officer will proceed to a vote.

- 1 The Returning Officer will read out the names of the candidates in the order the nomination was received.
- 2 Councillors will be invited to vote for one candidate only.

Choosing by lot

- ⇒ The names of the candidates who have an equal number 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.

VOTING PROCESS

One Councillor to be elected (single vacancy)

This process is the same as that employed when electing the Deputy Lord Mayor, in accordance with the provisions of the *Local Government (General) Regulation 2021*.

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 (two or more vacancies)

One more candidate than number of vacancies

- ⇒ 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.

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COUNCIL POLICY

Two or more candidates than number of vacancies

- ⇒ 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 a committee charter requires a Councillor to be elected as chairperson, elections will be conducted by open means on a show of hands, with nominations accepted 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 or external body, where there has been an adverse finding against that Councillor by an appropriate investigative body (e.g. 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, or for any other reason, requires a resolution of Council.
- ⇒ Removal or suspension of a Councillor from a committee or external body 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 that committee, 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.

MODEL CODE OF MEETING PRACTICE

for Local Councils
in NSW

2021

MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW

2021

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Model Code of Meeting Practice for Local Councils in NSW

1 Introduction

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in **red font**.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in **blue font**.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Model Code of Meeting Practice for Local Councils in NSW

2 Meeting Principles

2.1 Council and committee meetings should be:

Transparent:	Decisions are made in a way that is open and accountable.
Informed:	Decisions are made based on relevant, quality information.
Inclusive:	Decisions respect the diverse needs and interests of the local community.
Principled:	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted:	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful:	Councillors, staff and meeting attendees treat each other with respect.
Effective:	Meetings are well organised, effectively run and skilfully chaired.
Orderly:	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Model Code of Meeting Practice for Local Councils in NSW

3 Before the Meeting

Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions: **[council to specify the frequency, time, date and place of its ordinary meetings]**.
- 3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Councils must use either clause 3.1 or 3.2.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.

Extraordinary meetings

- 3.3 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Model Code of Meeting Practice for Local Councils in NSW

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **[council to specify notice period required]** business days before the meeting is to be held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
- (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when

the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A) (a) of the Act.

- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

- 3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Model Code of Meeting Practice for Local Councils in NSW

Availability of the agenda and business papers to the public

- 3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.

- 3.25 Clause 3.24 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A) (b) of the Act.

- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.26 reflects section 9(3) of the Act.

- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.28 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

(a) a motion is passed to have the business considered at the meeting, and

(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

- 3.31 Despite clauses 10.20-10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.

- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.33 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.38 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

Model Code of Meeting Practice for Local Councils in NSW

4 Public Forums

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the mayor or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by **[date and time to be specified by the council]** before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.5 A person may apply to speak on no more than **[number to be specified by the council]** items of business on the agenda of the council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than **[number to be specified by the council]** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than **[number to be specified by the council]** days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed **[number to be specified by the council]** minutes to address the council. This time is to be strictly enforced by the chairperson.

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- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to **[number to be specified by the council]** minutes.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors, or council staff.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **[number to be specified by the council]** minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.24 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.
- Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**



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5 Coming Together

Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.3 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.

Note: Clause 5.3 reflects section 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils must not adopt clause 5.3.

- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making

an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1) (d) of the Act.

- 5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.9 reflects section 368(1) of the Act.

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- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each

councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.17 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and

- (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.
- Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.**
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- (a) the meetings the resolution applies to, and
- (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-

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visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.

- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality, or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

- 5.31 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.
- Note: Clause 5.31 reflects section 10(1) of the Act.**
- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.33 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.33 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

- 5.34 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.35 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.36 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 5.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- Note: Clauses 5.34 – 5.38 reflect section 236 of the Regulation.**
- 5.39 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.34–5.39. Joint organisations that choose not to webcast meetings may omit clauses 5.34–5.39.

Attendance of the general manager and other staff at meetings

- 5.40 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.
- Note: Clause 5.40 reflects section 376(1) of the Act.**
- 5.41 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- Note: Clause 5.41 reflects section 376(2) of the Act.**
- 5.42 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.
- Note: Clause 5.42 reflects section 376(3) of the Act.**
- 5.43 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.
- 5.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

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6 The Chairperson

The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

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7 Modes of Address

2021

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

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8 Order of Business for Ordinary Council Meetings

2021

8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.

8.2 The general order of business for an ordinary meeting of the council shall be:
[councils may adapt the following order of business to meet their needs]

01 Opening meeting

02 Acknowledgement of country

03 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors

04 Confirmation of minutes

05 Disclosures of interests

06 Mayoral minute(s)

07 Reports of committees

08 Reports to council

09 Notices of motions/Questions with notice

10 Confidential matters

11 Conclusion of the meeting

Note: Councils must use either clause 8.1 or 8.2.

8.3 The order of business as fixed under [8.1/8.2] **[delete whichever is not applicable]** may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 13 allows council to deal with items of business by exception.

8.4 Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

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9 Consideration of Business at Council Meetings

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
 - (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
 - (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that

it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

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9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

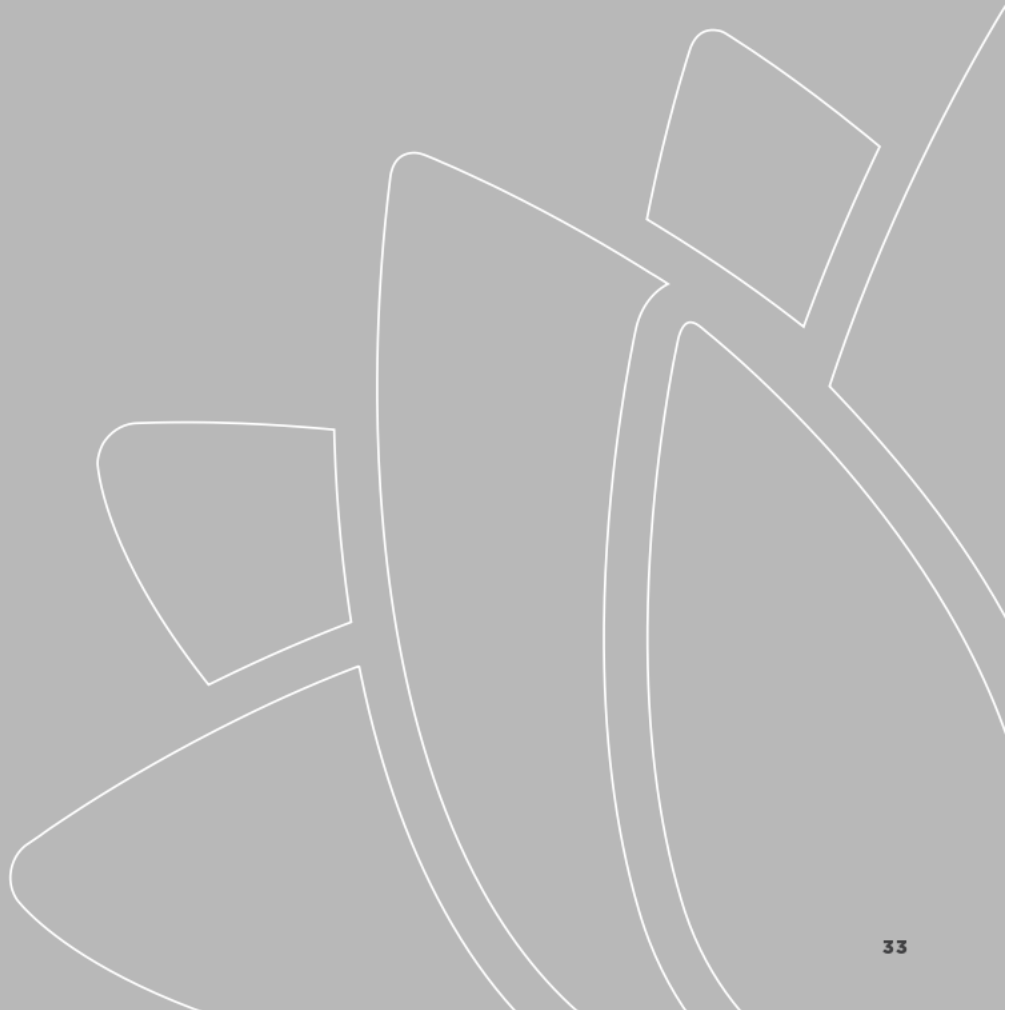
- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to

answer a question put to them through the general manager at the direction of the general manager.

- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.



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10 Rules of Debate

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

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- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:

- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
- (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.

10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.

10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.

10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Participation by non-voting representatives in joint organisation board meetings

10.31 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.

Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.

Note: Joint organisations must adopt clause 10.31. Councils must not adopt clause 10.31.

Model Code of Meeting Practice for Local Councils in NSW

11 Voting

Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

- 11.4 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.

Note: Clause 11.4 reflects section 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.

Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion

- 11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

- 11.7 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

- 11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.

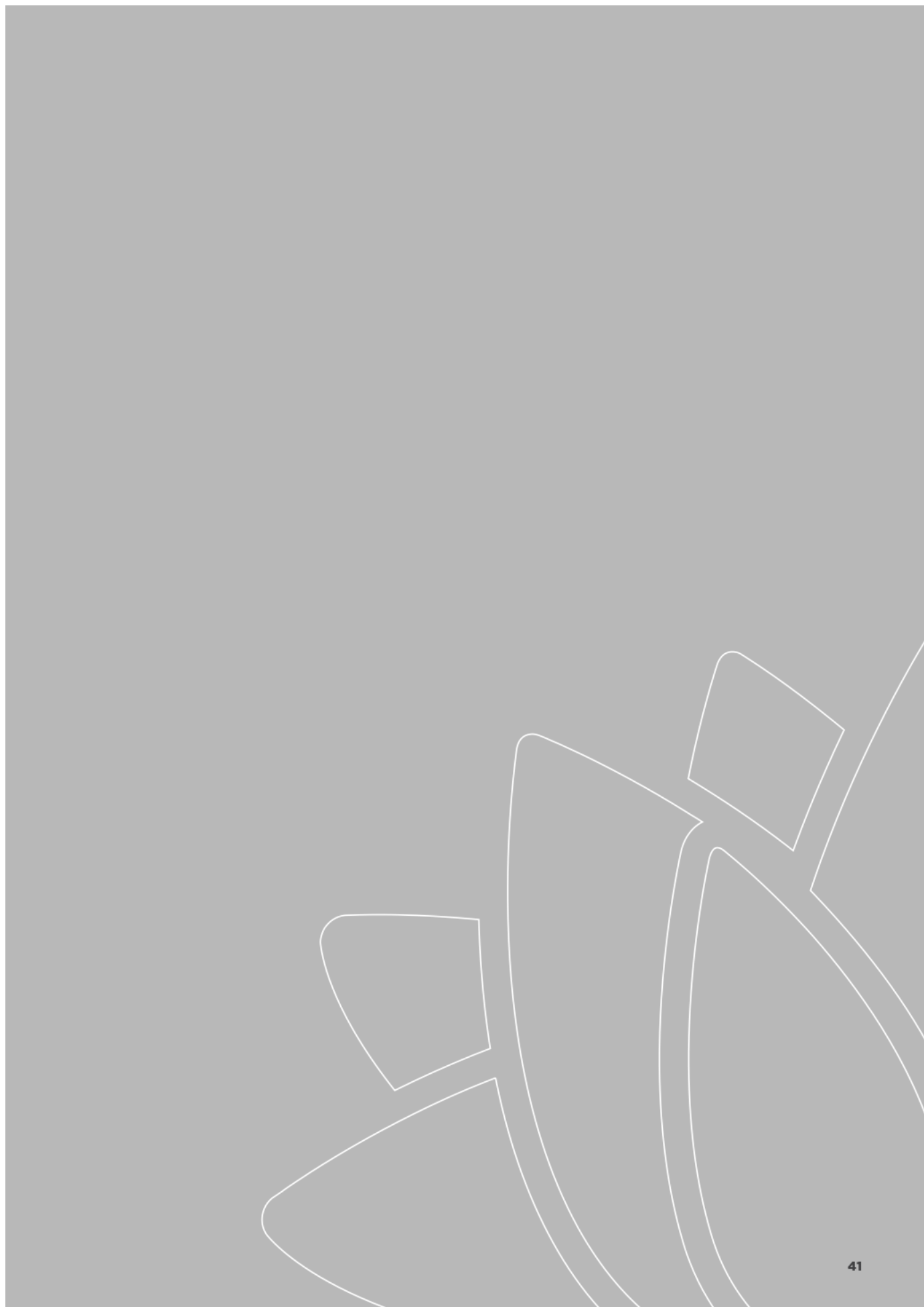
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Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12-11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12-11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.



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12 Committee of the Whole

2021

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

Model Code of Meeting Practice for Local Councils in NSW

13 Dealing with Items by Exception

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

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14 Closure of Council Meetings to the Public

Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,

(i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

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- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **[date and time to be specified by the council]** before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **[number to be specified by the council]** speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the

persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.

- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **[number to be specified by the council]** speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **[number to be specified by the council]** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

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Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

- 14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.
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15 Keeping Order at Meetings

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
 - (a) contravenes the Act, the Regulation or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or

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(d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or

(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation.

15.12 The chairperson may require a councillor:

(a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b), or (e), or

(b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or

(c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

Note: Councils may use either clause 15.14 or clause 15.15.

15.16 Clause [15.14/15.15] **[delete whichever is not applicable]**, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 15.17 reflects section 233(2) of the Regulation.

15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by councillors attending meetings by audio-visual link may be dealt with

15.21 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.22 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

15.23 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

15.24 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

15.25 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.24, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.26 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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16 Conflicts of Interest

2021

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

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17 Decisions of the Council

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than **[council to specify the period of time]** after the meeting at which the resolution was adopted.

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

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17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or

- (b) to confirm the voting on the resolution.

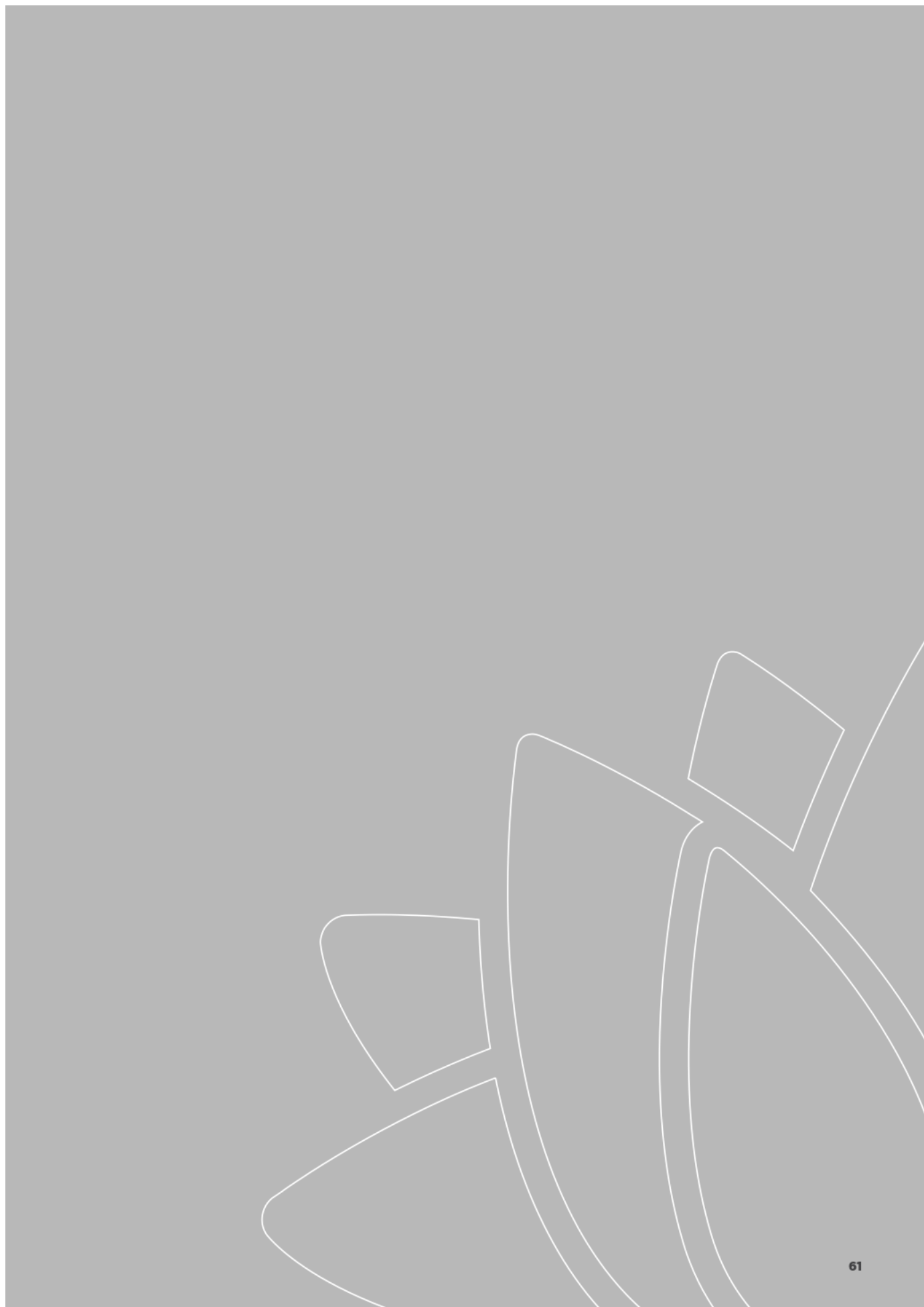
17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.



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18 Time Limits on Council Meetings

2021

- 18.1 Meetings of the council and committees of the council are to conclude no later than **[council to specify the time]**.
- 18.2 If the business of the meeting is unfinished at **[council to specify the time]**, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at **[council to specify the time]**, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

Model Code of Meeting Practice for Local Councils in NSW

19 After the Meeting

Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been

confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

Model Code of Meeting Practice for Local Councils in NSW

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.



Model Code of Meeting Practice for Local Councils in NSW

20 Council Committees

Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
 - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.

- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Model Code of Meeting Practice for Local Councils in NSW

Chairperson and deputy chairperson of council committees

20.11 The chairperson of each committee of the council must be:

- (a) the mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.

20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.

Note: Clause 20.17 reflects section 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.

20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.22 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
- 20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

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20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.



21 Irregularities

2021

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any councillor or committee member, or
 - (c) any defect in the election or appointment of a councillor or committee member, or
 - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
 - (e) a failure to comply with this code.

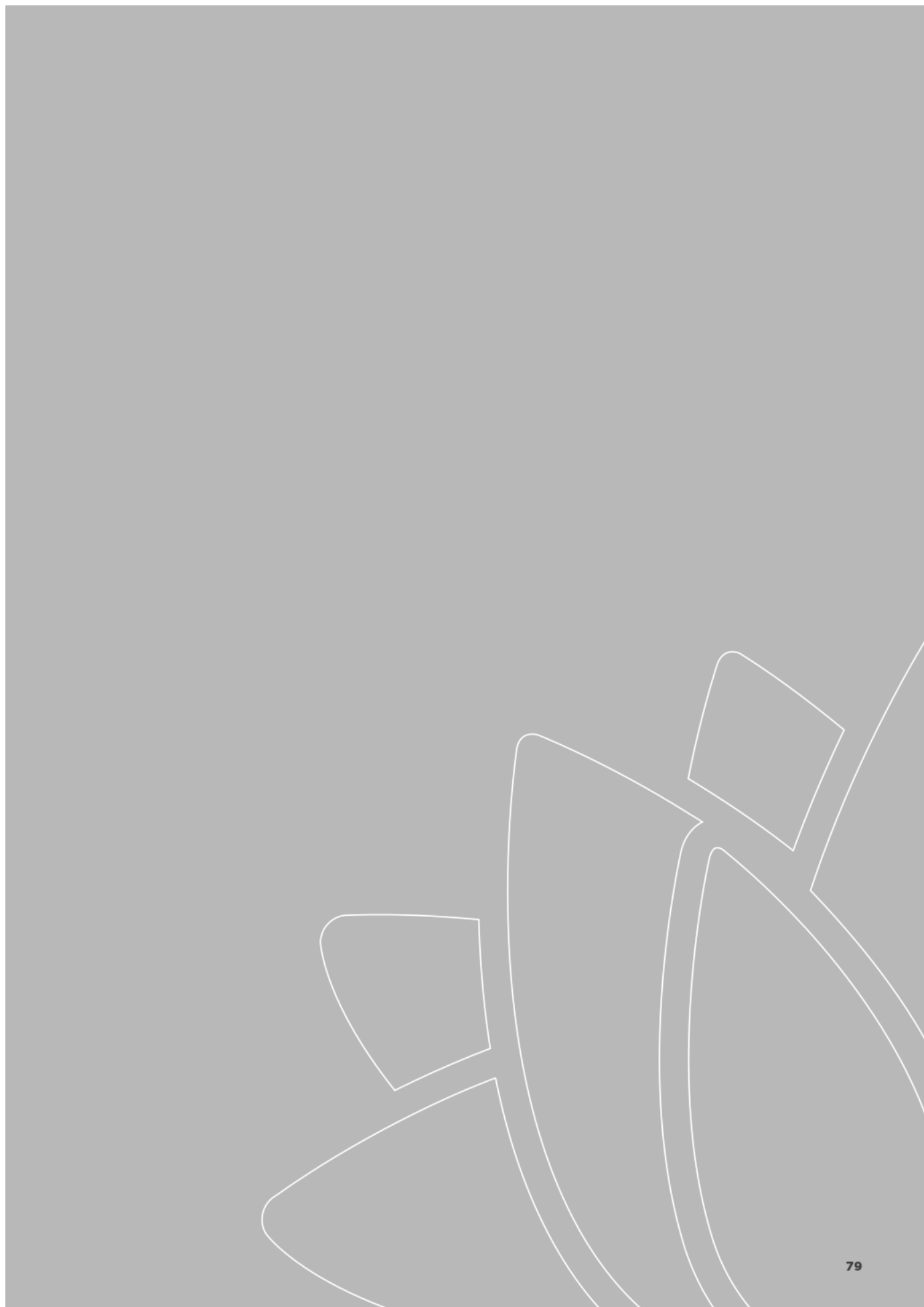
Note: Clause 21.1 reflects section 374 of the Act.

22 Definitions

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the <i>Model Code of Conduct for Local Councils in NSW</i>
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act

Model Code of Meeting Practice for Local Councils in NSW

performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June





ITEM 7 PUBLIC EXHIBITION - DRAFT COUNCILLOR EXPENSES AND FACILITIES POLICY

The *Local Government Act 1993* requires Council, within the first 12 months of each council term, to adopt a policy concerning the payment of expenses and the provision of facilities to, the Lord Mayor, the Deputy Lord Mayor and the Councillors in relation to discharging the functions of civic office.

RECOMMENDATION

- 1 Council endorse the draft Councillor Expenses and Facilities Policy to be placed on public exhibition for a period of not less than 28 days, inviting submissions from the public.
- 2 Council receive a further report on the Councillor Expenses and Facilities Policy, including a summary of any submissions received prior to formal adoption of the Policy.

REPORT AUTHORISATIONS

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

ATTACHMENTS

- 1 Draft Councillor Expense and Facilities Council Policy

BACKGROUND

Section 253 of the *Local Government Act 1993* (the Act) requires Council, within the first 12 months of each council term, to adopt a policy concerning the payment of expenses and the provision of facilities to, the Lord Mayor, the Deputy Lord Mayor and the Councillors in relation to discharging the functions of civic office.

Council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the Lord Mayor, the Deputy Lord Mayor and the Councillors other than in accordance with a policy adopted in accordance with s253 of the Act.

Council currently has an adopted *Councillor Expenses and Facilities Policy*, however a review of the policy by Council at the earliest opportunity in the Council term is appropriate to ensure that the policy reflects current requirements and equipment provision to the newly formed Council.

PROPOSAL

The Draft Councillor Expenses and Facilities Policy has been updated to incorporate changes that reflect technology changes since policy was last updated as well as changes to reflect best practice in governance.

In addition, the Office of Local Government has a template Councillor Expenses and Facilities Policy that suggests content for Councils to follow, however this is not mandatory. The OLG template suggests that it is best practice for Councils to place caps and maximum limits on expenses wherever practical and the draft policy has implemented this approach.

A summary of the most significant changes to the policy and their rationale is provided on the following page. In addition to the substantive policy changes a number of formatting and administrative changes have been made that do not affect the application of the policy.

Policy Section	Proposed Change	Rationale
Summary of Key Policy Provisions	Introduction of a summary table at the front of the policy to state limits on the main items in the policy	Suggested by OLG Policy Template
Travel Expenses (cl6.3)	Introduction of a maximum reimbursement for travel expenses of \$5,000 per annum	OLG recommends having in place an upper limit on all relevant provisions in policy
Electric Vehicles (cl6.6)	Introduction of a methodology to reimburse councillors for travel if they use a privately owned electric vehicle	Previous clause related only to internal combustion motor vehicles
Accommodation and Meals (cl6.20)	Linking maximum level of reimbursement for meals and accommodation to the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009	This is an annually indexed table of maximum reimbursements used by the NSW Public Service and is considered an appropriate benchmark tool, as it defines limits based on geographic area and reflects dearer costs in capital cities etc.
Alcohol (cl6.23)	Councillors will not be reimbursed for alcohol expenses	Best practice and recommended approach of OLG
Carer Expenses (cl6.44)	Introduction of a maximum reimbursement for carer expenses of \$5,000 per annum	OLG recommends having in place an upper limit on all relevant provisions in policy
Child Care Expenses (cl6.46)	Introduction of a maximum reimbursement for child care expenses of \$3,000 per annum	OLG recommends having in place an upper limit on all relevant provisions in policy
ICT Provisions (clauses 9.3 – 9.19)	<ul style="list-style-type: none"> • Removal of automatic provision of printers to all Councillors • Introduce option of BYOD phone device for Councillors • Newspaper subscriptions will be strongly encouraged to be electronic subscriptions only • Provision of a laptop per Councillor 	<ul style="list-style-type: none"> • To assist with Council's sustainability goals, printing will be possible in the Councillor Office, however printers will be available if requested • Allow greater device choice for Councillors • To assist with Council's sustainability goals, e-subscriptions will be offered in the first instance, however hard copy delivery available on request • Replacement of iPads previously offered to Councillors, with more appropriate equipment
New Section 11 Payment of Lord Mayoral Fee to Deputy Lord Mayor	Incorporation of existing provisions of the <i>'Payment of Lord Mayoral Fee to Deputy Lord Mayor Policy'</i> into this policy	It is considered appropriate that all policy positions relating to Councillor fees, expenses and facilities, that are not mandated by legislation or regulations, to be included in the same policy. This will allow this policy to act as a single source of truth on these matters.
Approval processes (Part 12)	Change to General Manager approving expenses under the policy instead of the Lord Mayor	It is considered best practice that decision making under the policy either be made by administrative staff, or by resolution of Council

Payment of Lord Mayoral Fee to Deputy Lord Mayor Policy

Council has an existing *Payment of Lord Mayoral Fee to Deputy Lord Mayor Policy* that defines the circumstances in which the Deputy Lord Mayor will receive payment of the Lord Mayoral fee. It is considered appropriate that all policy positions relating to Councillor fees, expenses and facilities, that are not mandated by legislation or regulations, be included in the same policy. This will allow the Councillor Expenses and Facilities Policy to act as a single source of truth on these matters.

The Draft Councillor Expenses and Facilities Policy has included the existing provisions from the *Payment of Lord Mayoral Fee to Deputy Lord Mayor Policy* and the revocation of the policy will be recommended upon final adoption of the *Councillor Expenses and Facilities Policy*.

CONSULTATION AND COMMUNICATION

Any changes to the policy are required to be placed out for a community consultation process of not less than 28 days, for the making of submissions. Following the consultation period, a further report will be submitted to Council, including a summary of any submissions received.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal “We are a connected and engaged community”

It specifically delivers on core business activities as detailed in the 2021-22 Service Plan of the Governance and Customer Service Division.

SUSTAINABILITY IMPLICATIONS

Council is committed to creating a sustainable City for future generations. This policy is guided by that principle and aims to encourage the ethical, financially responsible and environmentally sustainable use of Council resources by the elected Council.

RISK MANAGEMENT

The draft policy is intended to reduce risks in the area of reimbursement of Councillor expenses by providing financial caps that limit the amount that can be claimed by each Councillor as well re-drafting a number of sections in the policy to provide greater clarity on allowed reimbursements.

FINANCIAL IMPLICATIONS

The draft policy is not expected to create any additional financial implications to Council, as the proposed policy does not propose any expansion in facilities provided to Councillors and expenditure under the existing policy which is budgeted for.

CONCLUSION

The draft Councillor Expenses and Facilities Policy has been updated to include changes that reflect technology changes since the last version of the policy was updated as well as changes to reflect best practice in governance.



COUNCILLORS' EXPENSES AND FACILITIES COUNCIL POLICY

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

PURPOSE

The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties. 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.

POLICY INTENT

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

WOLLONGONG 2028 OBJECTIVES

Council is committed to creating a sustainable City for future generations. This policy is guided by that principle and aims to encourage the ethical, financially responsible and environmentally sustainable use of Council resources by the elected Council.

LEGISLATIVE REQUIREMENTS

The policy has been prepared in accordance with the Local Government Act 1993 (the Act) and Local Government (General) Regulation 2021 (the Regulation) and complies with the Office of Local Government's s23A Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

REVIEW

This Policy will be reviewed within the first 12 months of each Council term, or more frequently as required.

REPORTING

Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.

COUNCILLORS' EXPENSES AND FACILITIES

COUNCIL POLICY

SUMMARY OF KEY POLICY PROVISIONS

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses [Clause 6.3]	\$5,000 per councillor	Per year
Interstate, overseas and long distance intrastate travel expenses [Clause 6.8 and Section 11]	Up to \$2000 per Councillor and up to a maximum of \$4,000 per event if approved by GM. Above this limit by Council resolution	Per event
Accommodation and meals [Clause 6.19]	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development including conferences and seminars [Clause 6.26]	\$30,000 total for all councillors	Per year
ICT expenses (including BYOD phone devices and other technology) [Section 9]	Standard Laptop for each Councillor Plus expenses \$1,800 per councillor	1 per term Expenses Per year
Carer expenses [Clause 6.44]	\$5,000 per councillor	Per year
Access to facilities in a Councillor common room [Clause 9.1]	Provided to all councillors	Ongoing
Council vehicle and fuel card [Clause 10.1]	Provided to the Lord Mayor	Ongoing
Reserved parking space at Council offices [Clause 10.4]	Provided to the Lord Mayor and Deputy Lord Mayor	Ongoing
Furnished office [where applicable Clause 10.5]	Provided to the Lord Mayor	Ongoing
Number of exclusive staff supporting Mayor and Councillors [where applicable Clause 10.8]	Provided to the Lord Mayor	Ongoing

Additional costs incurred by a councillor in excess of these limits are considered a personal expense that is the responsibility of the councillor.

Notwithstanding the provisions of this policy, Council may resolve to approve expenses in excess of defined limits in this policy, or may resolve to increase the limits in this policy at any time.

COUNCILLORS' EXPENSES AND FACILITIES

COUNCIL POLICY

PART A – INTRODUCTION

1. Introduction

- 1.1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Wollongong City Council.
- 1.2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided and be comfortable there is minimal wastage of public resources.
- 1.3. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.4. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.
- 1.5. The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.
- 1.6. Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.
- 1.7. Councillors must provide claims for reimbursement within 60 days of an expense being incurred. Claims made after this time cannot be approved.
- 1.8. A report on Lord Mayor and Councillor expenses will be submitted to the Audit, Risk and Improvement Committee on a quarterly basis.
- 1.9. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

2. Definitions

the Act	Local Government Act 1993
the Regulation	Local Government (General) Regulation 2021
OLG	Office of Local Government
Conference	Generally more than one day in duration
Seminar	Generally only one day in duration
Year	A financial year
Accompanying person	A person who has a close personal relationship with the Councillor and/or provides carer support for the Councillor.
For the purposes of this policy, the following definitions apply to travel -	
Illawarra	Wollongong, Shellharbour and Kiama LGAs
Local travel	Travel within the Wollongong, Shellharbour, Kiama or Shoalhaven LGAs.
Intrastate	Travel within New South Wales and the Australian Capital Territory.

3. Principles

- 3.1. Council commits to the following principles:
 - **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
 - **Reasonable expenses:** providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor

COUNCILLORS' EXPENSES AND FACILITIES

COUNCIL POLICY

- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
- **Equity:** there must be equitable access to expenses and facilities for all Councillors
- **Appropriate use of resources:** providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to Councillors.

4. Private or political benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material
 - use of council resources and equipment for campaigning
 - use of official council letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events.

PART B – EXPENSES

5. General expenses

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed. Documentation to support items claimed for reimbursement are required to be presented to Council staff as part of the claim.

6. Specific expenses

General travel arrangements and expenses

- 6.1 All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2 Councillors may request the use of a Council vehicle for official business use. A minimum of 48 hours' notice is required for access to a vehicle for overnight use and 7 days' notice for longer periods.
- 6.3 Each Councillor may be reimbursed for reasonable travel expenses, up to a maximum of \$5000 per annum, incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW or the ACT, with the total of each claim not exceeding the cost of economy return air travel and reasonable Sydney airport transfer costs, where applicable. This includes reimbursement for:
 - the use of a private vehicle

COUNCILLORS' EXPENSES AND FACILITIES

COUNCIL POLICY

- public transport fares
 - tolls
 - documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.4. 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 sessions;
 - civic receptions;
 - meetings and inspections with Council staff;
 - authorised conferences, seminars and training;
 - Wollongong Local Planning Panel (WLPP) and/or formal facilitation sessions;
 - official 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 (to undertake official duties) as indicated by –
 - receipt of an invitation from Council officers,
 - receipt of a meeting request where attendance is identified as required,
 and does not include event notifications sent for information purposes or general event invitations.
 - Councillors are to take the most direct route when travelling on official Council business.
- 6.5. Allowances for the use of a private internal combustion vehicle will be reimbursed by kilometre at the rate contained in the *Local Government (State) Award*.
- 6.6. Allowances for the use of a private fully electric model vehicle, will be reimbursed, via any method identified in the *Local Government (State) Award*. If no methodology is defined the reimbursement will be calculated as follows:
- a) Identify the average electricity consumption per km travelled according to vehicle manufacturer specifications
 - b) Identify the Default Market Offer price for electricity set by the Australian Energy Regulator for the distribution zone where the Councillor resides
 - c) Identify the kilometres travelled in the claimable journey
 - d) Reimbursement calculated as $A \times B \times C$ identified above plus a 10% loading for depreciation
- 6.7. Councillors seeking to be reimbursed for use of a private vehicle must include the date, distance, starting location and destination, and purpose of travel being claimed, along with any other information relevant with the claim such as engine size where applicable.

Interstate and overseas travel expenses

- 6.8. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate and overseas trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 6.9. Councillors seeking approval for any interstate and long-distance intrastate travel must submit a case to and obtain the approval of the General Manager prior to travel.
- 6.10. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 6.11. The case should include:

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- objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties;
 - who is to take part in the travel;
 - duration and itinerary of travel;
 - a detailed budget including costs for transport, accommodation and other out-of-pocket travelling expenses.
- 6.12. For interstate journeys by air of less than four hours, the class of air travel is to be economy class.
- 6.13. For interstate journeys by air of more than four hours, the class of air travel may be premium economy.
- 6.14. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.15. All Councillor travel arrangements will be centrally coordinated and booked by the Governance unit.
- 6.16. For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit under the Code of Conduct.

Travel expenses not paid by Council

- 6.17. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 6.18. In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.
- 6.19. Council will reimburse reasonable costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Illawarra.
- 6.20. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.21. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the general manager, being mindful of Clause 6.20.
- 6.22. Where possible, accommodation is to be booked at the conference venue unless the General Manager determines otherwise.
- 6.23. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for Council related meetings

- 6.24. Appropriate refreshments will be available for Council meetings, Council Committee meetings, Councillor briefings and workshops, approved meetings and engagements, and official Council functions as approved by the General Manager.
- 6.25. As an indicative guide for the standard of refreshments to be provided at council related meetings, the general manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

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Professional development

- 6.26. Council will set aside an amount annually in its budget to facilitate professional development of Councillors through programs, training and education courses. This does not include induction expenses incurred at the commencement of each term of a new Council.
- 6.27. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.28. Council will provide annual membership of professional bodies only in circumstances where payment of the membership fee will generate a larger financial saving in attendance at event/s with that professional body that the Councillor will attend. Council will not pay any renewals of such memberships.
- 6.29. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
 - details of the proposed professional development
 - relevance to Council priorities and business
 - relevance to the exercise of the Councillor's civic duties.
- 6.30. In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 6.29 as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

- 6.31. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 6.32. Council will set aside an amount annually in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.33. Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a Councillor request, the General Manager must consider factors including the:
 - relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
 - cost of the conference or seminar in relation to the total remaining budget.
- 6.34. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.18-6.21. If meals are included in the conference fees no other reimbursement or allowance for meals will be provided.

Community and charitable functions, dinners and other non-Council functions

- 6.35. Council will provide a budget allocation in the annual budget for Councillor attendance at local community and charitable functions.
- 6.36. Where a Councillor accepts an invitation to attend a local community or charitable function in the role of a Councillor, Council shall meet the cost of the entry fee, but excluding travel costs.
- 6.37. 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, but excluding travel costs.

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- 6.38. 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.

Accompanying person expenses

- 6.39. Council will meet:
- Registration and ticket costs of spouses, partners or an accompanying carer in attending official Council functions that are of a formal or ceremonial nature where the Councillor's spouse, partner or accompanying carer 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 a Councillor's accompanying carer at the Local Government NSW Annual Conference and the Australian Local Government Association's National General Assembly of Local Government.
 - 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.
- 6.40. 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.
- 6.41. 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.
- 6.42. 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.

Special requirement and carer expenses

- 6.43. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
- 6.44. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 6.45. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties, up to a maximum of \$5,000 per annum.
- 6.46. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$2,000 per annum, for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.47. Childcare expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative, up to a maximum of \$3,000 per annum.
- 6.48. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Protection expenses and obligations

- 6.49. Council may assist in providing protection to Councillors from any substantiated adverse security threats to their person or property. Approval of the General Manager must be sought and gained prior to any expenses being incurred by Councillors.

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- 6.50. 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.
- 6.51. Requests will not be considered in circumstances where the NSW Police have not been informed of the security threat.
- 6.52. Council will, subject to substantiation, reimburse Councillors for expenses that they may incur up to a limit of \$2,000 per year.
- 6.53. 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, and the Independent Chair of the Audit, Risk and Improvement Committee.

Recognition of service

- 6.54. In recognition of long service as Councillor and/or Lord Mayor, Councillors are eligible to receive particular Local Government NSW awards if their service meets certain criteria. In these cases, Council will meet the cost of the Local Government NSW Service Award or Certificate applied for.

7. Insurances

- 7.1. Councillors are to receive the benefit of the following insurance coverage effected by Council subject to any terms, conditions, exclusions and limitations of the policy of insurance effected by Council, for matters arising out of Councillors' performance of their civic duties and/or exercise of their Civic Functions:
 - a) Public Liability and Professional Indemnity insurance
 - b) Councillors and Officers insurance
 - c) Corporate Travel insurance
 - d) Personal Accident insurance
- 7.2. Insurance protection is only provided if a claim arises out of, or in connection with, the councillor's performance of their civic duties, or exercise of their functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3. Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.
- 7.4. Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on council business.

8. Legal assistance

- 8.1. 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

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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.

8.2. Notwithstanding any other provisions of this Policy the following costs cannot be the subject of reimbursement:

- a the costs of any action in defamation taken by a Councillor as plaintiff in any circumstances;
- b the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation;
- c legal costs for legal proceedings that do not involve a Councillor performing their role as a Councillor;
- d legal costs of legal proceedings initiated by a Councillor under any circumstances; or
- e the costs of defending any matter relating to the eligibility of a Councillor to stand for election.

PART C – FACILITIES

9. General facilities for all Councillors

Facilities

- 9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
 - A Councillor common room appropriately furnished in Council's Administration Building. Hard copies of council papers will not be automatically provided to Councillors. If necessary, Councillors can access the Councillor common room to print required documents, however electronic means are preferred in an aim to increase sustainability across Wollongong City Council.
 - Access to car parking in the Administration Building and Stewart Street East car parks while attending Council offices on official business. Vehicle stickers will be supplied for this purpose
 - Access to personal protective equipment, including umbrellas, for use during site visits
- 9.2. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Information and communications technology (ICT) provisions

- 9.3. Council will provide Councillors with a Council specified standard laptop device for Council business. The type of device will be appropriate for viewing papers and presentations. One Council specified

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additional computer screen will be provided per councillor where required to assist with viewing Council business at home.

- 9.4. The Chief Information Officer will identify the device to be provided in accordance with clause 9.3, with the same type of device to be provided to all Councillors. Only where access and usability issues are relevant, will the Chief Information Officer consider a separate device for an individual Councillor.
- 9.5. If a Councillor does not have the ability to connect the laptop to an internet connection, Council may provide an internet hotspot device, or similar, with an appropriate data usage cap. The cost of the device will be deducted from any available allowance outlined in 9.16
- 9.6. Any excess data allowance charges will be reimbursed to Council by way of deduction from the Councillor's next monthly Councillor fee payment.
- 9.7. Council will provide Councillors with appropriate induction in the use of the provided equipment.
- 9.8. Internet access on Council provided devices will be filtered by Council.
- 9.9. Usage of all Council provided technology requires compliance with Council's *Technology Acceptable Use* policy.
- 9.10. Council will provide support services for Council provided services and applications during business hours, being 8:00 am to 5:00 pm, to assist Councillors in resolving operational issues.
- 9.11. Access to a Council supplied email address and Councillor Portal will be provided on the laptop.
- 9.12. Servicing and repairs to all Council provided equipment will be coordinated through Council's IMT Service Desk facility during business hours, being 8:00 am to 5:00 pm, on the basis of a back-to-base service.
- 9.13. 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.

Telephones, Plan Charges and E-Subscriptions

- 9.14. Council will not organise nor provide Councillors with a fixed landline nor a data plan from an Internet Service Provider, except in accordance with 9.5.
- 9.15. Councillors may choose to have provided a Council issued mobile phone. This phone will be the standard issued to Council staff inclusive of apps provided and the standard data plan. Alternatively, Councillors can opt to organise their own mobile phone and phone plan. If a Councillor opts to organise their own phone, compliance with Council's *Bring Your Own Device* policy is required.
- 9.16. If a Councillor elects to have a BYOD phone, any phone plans, data plans and any fixed landlines to Councillor premises shall be reimbursed a maximum of \$150 per month per Councillor towards these costs. The plans obtained by Councillors may include bundled equipment including mobile / smart phones, hot spot devices etc subject to the maximum reimbursement being \$150 per month.
- 9.17. Councillors will also be reimbursed for subscription costs to one electronic news service or App subject directly related to their duties as a councillor, within the maximum reimbursement limit (defined in 9.16) per month. Councillors will not be entitled for re-imbursement of an e-news service if they are provided with a physical newspaper delivery service.
- 9.18. Councillors may choose to retain ownership of the phone at the conclusion of the Council term. The Councillor will be responsible for organising all transfer, insurance, maintenance, and replacement of such devices.
- 9.19. Claims for reimbursement must be lodged within 60 days of the expense being incurred and supported by a signed declaration form and supporting documentation.

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- 9.20. In the event that a Councillor has to break a contract for mobile and / or data due to ceasing being a councillor that council contribute towards plan cancellation costs if there are any, up to a maximum of the equivalent of three months payment of the relevant plan.

Postage

- 9.21. 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 Administration Centre. Mail is not permitted to be delivered directly to an individual Post Office. Electronic Mail (E-Mail) where possible and appropriate is the preferred method of communication.

Administrative support

- 9.22. Council will provide limited administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by a member of Council's administrative staff as arranged by the General Manager or their delegate.
- 9.23. As per Section 4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

Councillor welfare - access to Employee Assistance Program

- 9.24. Council extends access to its Employee Assistance Program (EAP) to Councillors and their immediate family members (i.e. spouse; partner; or dependent child living under the same roof as the Councillor who is under the age of 18). It provides an effective program which enables the maintenance of Councillors' and their families' health and wellbeing.
- 9.25. Councillors encountering difficulties with the role or personal difficulties that may impact on their role as a Councillor are able to seek counselling, on a confidential basis, directly through the EAP. The EAP provider will assess and determine the number of sessions provided based on the nature of the support offered.

Newspaper Subscriptions

- 9.25. Consistent with Council's sustainability goals, Councillors are encouraged to take up an electronic newspaper subscription service in accordance with 9.16 rather than a physical newspaper delivery service. However if required a physical newspaper delivery of a relevant regional newspaper will be provided to Councillors on request.

Printing

- 9.26. Consistent with Council's sustainability goals, Councillors are encouraged to use electronic/digital services and formats wherever possible. However if Councillors need to undertake their own printing, they can utilise printers in the Councillor Common Room, or be provided with a personal device upon request.
- 9.27. If a Councillor is provided with a printer, they will be required to return any printed materials, that may be of a confidential nature, to Council for secure destruction or disposal.

Insignia of Office

- 9.28. Provision of a jacket to be worn at civic functions indicating that the wearer holds the office Councillor. In addition, Councillors may be provided suitable council branded apparel for wearing whilst undertaking official council functions

COUNCILLORS' EXPENSES AND FACILITIES

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10. Additional facilities for the Lord Mayor

- 10.01 A fully serviced and maintained 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.
- 10.02 Full private use is available in accordance with the private use provisions contained within Council's Vehicle Management Policy.
- 10.03 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.
- 10.04 A parking space at Council's offices will be reserved for the Lord Mayor and Deputy Lord Mayor.
- 10.05 Council will provide the Lord Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
- 10.06 A Purchase Card will be provided to meet hospitality and other reasonable incidental expenses incurred by the Lord Mayor whilst at official Council events. Use of the Purchase Card is to be in accordance with Council's Purchase Card Policy. The Purchase Card is not to be used for the purchase of alcohol.
- 10.07 Expenses that are personal or not related to business purposes are not to be paid on Council credit card, irrespective of intention to reimburse Council at a later date.
- 10.08 In performing their civic duties, the Lord Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.

Insignia of Office

- 10.09 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.
- 10.10 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

- 10.11 Servicing and repairs to all Council provided technology equipment will be coordinated through Council's IMT Service Desk facility during business hours, being 8:00 am to 5:00 pm, on the basis of a back-to-base service.
- 10.12 All servicing and repairs to any privately owned equipment will be the responsibility of the Lord Mayor irrespective of whether it is used for Council related business.

11. Payment of Lord Mayoral Fee to Deputy Lord Mayor

- 11.1 The Deputy Lord Mayor will receive payment of the Lord Mayoral fee for the period where –
 - a The Lord Mayor is unable to exercise the function of the Lord Mayor for a period of more than 30 calendar days for any reason and irrespective of whether leave of absence has been granted.
 - b The office of the Lord Mayor becomes vacant in accordance with section 234 of the Local Government Act 1993.
 - c A casual vacancy occurs in the office of the Lord Mayor within 18 months before the date specified for the next ordinary election of councillors as detailed in section 294 of the Local Government Act 1993. In this occurrence the Deputy Lord Mayor is to be the Councillor nominated by the Council to the Governor for appointment to the vacant office.

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- 11.2 The portion of the Lord Mayoral fee paid to the Deputy Lord Mayor in circumstance (a) outlined above is to be deducted from the Lord Mayor's annual fee in accordance with Section 249 (5) of the Local Government Act 1993.
- 11.3 Any reference to a Deputy Lord Mayor in this policy can be taken to include an Acting Deputy Lord Mayor, in the case where the Deputy Lord Mayor is absent. The appointment of an Acting Deputy Lord Mayor is by resolution of Council.

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COUNCILLORS' EXPENSES AND FACILITIES

COUNCIL POLICY

PART D – PROCESSES

12 Approval, payment and reimbursement arrangements

NOTE: All expense limits quoted within this Policy are exclusive of GST unless otherwise stated.

	General Manager Approval Only*	Report to Open Meeting of Council
A 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:	✓	
<ul style="list-style-type: none"> • 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.	✓	
B Use of private vehicle for (non-local) official Council business	✓	
C Applications for attendance at any event or professional development where individual Councillor attendance costs exceed \$2,000 or \$4,000 per event.		✓
D Applications requiring interstate travel.		✓
E Applications requiring overseas travel.		✓
F All other Applications and where approval at a meeting of Council is not possible or appropriate.	✓	

- 12.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 12.2 A *Councillor Request to Attend External Event* application is to be submitted to the General Manager 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.
- 12.3 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).
- 12.4 The General Manager 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.
- 12.5 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.

COUNCILLORS' EXPENSES AND FACILITIES

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- 12.6 Overseas travel must be approved prior to the Councillor/s undertaking the trip.
- 12.7 Retrospective reimbursement of overseas travel expenses is not permitted.
- 12.8 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.

Reimbursement

- 12.9 All claims for reimbursement of expenses incurred are to be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted via the Councillors' Portal.

Advance payment

- 12.10 Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 12.11 The maximum value of a cash advance is \$250 per day of the conference, seminar or professional development.
- 12.12 Requests for advance payment must be submitted to the General Manager for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 12.13 Councillors must fully reconcile all expenses against the cost of the advance within 30 days of incurring the cost and/or returning home. This includes providing to Council:
 - 12.13.1 a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - 12.13.2 reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 12.14 If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 12.15 If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to Council

- 12.16 If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy, the Councillor will reimburse Council for that expense by way of a deduction from the Councillor's next allowance.

Timeframe for reimbursement

- 12.17 Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within 60 days of an expense being incurred. Claims made after this time cannot be approved.

13 Disputes

- 13.1 If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 13.2 If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.
- 13.3 Council's decision will be final and no further appeal will be permitted.

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14 Return or retention of facilities

- 14.1 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Lord Mayor ceasing to hold office or at the cessation of their civic duties.
- 14.2 Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine a fair market price or written down value for the item of equipment.
- 14.3 The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's annual report.
- 14.4 Notwithstanding clause 13.2 equipment will not be available for purchase by a Councillor, if the Chief Information Officer determines that the device would present an information security risk if retained outside Council possession at the conclusion of the Councillors elected term.

15 Publication

- 15.1 This policy will be published on Council's website.

16 Reporting

- 16.1 Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 16.2 A copy of this policy will be included in Council's annual report.
- 16.3 A report on Lord Mayor and Councillor expenses will be submitted to the Audit, Risk and Improvement Committee on a quarterly basis.
- 16.4 These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

17 Auditing

- 17.1 The operation of this policy, including claims made under the policy, will be included in Council's internal audit program and an audit undertaken at least once during a term of Council.

18 Breaches

- 18.1 Suspected breaches of this policy are to be reported to the General Manager.
- 18.2 Alleged breaches of this policy will be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

COUNCILLORS' EXPENSES AND FACILITIES

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SUMMARY SHEET			
Responsible Division	Governance and Customer Service		
Date adopted by Council	19 November 2018		
Date of previous adoptions	09/11/2015 13/10/2014 11/11/2013	08/04/2013 12/11/2012 28/11/2011	26/07/2011 19/11/2007 17/10/1994
Date of next review	August 2021		
Legislative or other requirements for review	<p><i>Local Government Act 1993 - sect 252</i></p> <p>(1) Within the first 12 months of each term of a council, the 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.</p> <p>(5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.</p> <p><i>Local Government Act 1993 – sect 253</i></p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(5) A council must comply with this section when proposing to adopt a policy in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.</p>		
Responsible Manager	Manager Governance and Customer Service		
Authorised by	Director Corporate Services		

COUNCILLORS' EXPENSES AND FACILITIES

COUNCIL POLICY

APPROVAL AND REVIEW	
Responsible Division	Governance and Customer Service
Date/s adopted	<i>Council</i> [To be inserted by Governance]
Date/s of previous adoptions	19/11/2018, 19/11/2015, 13/10/2014, 11/11/2013, 08/04/2013, 12/11/2012, 28/11/2011, 26/07/2011, 19/11/2007, 17/10/1994
Date of next review	[Not more than two years from last adoption]

ITEM 8 POLICY REVIEW - CODES OF CONDUCT

Council is required to review its Code of Conduct within 12 months of each ordinary election of the Council. Following a review, this report presents the Codes of Conduct for adoption by Council.

RECOMMENDATION

- 1 Council adopt the attached:
 - a Code of Conduct for Councillors
 - b Code of Conduct for Staff
 - c Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors
 - d Procedures for the Administration of the Codes of Conduct
- 2 The existing *Councillor Access to Information and Staff Policy* be revoked as the provisions have been incorporated into the Code of Conduct

REPORT AUTHORISATIONS

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

ATTACHMENTS

- 1 Code of Conduct - Councillors 2022
- 2 Code of Conduct - Staff 2022
- 3 Code of Conduct - Committee Members, Delegates and Council Advisors - 2022
- 4 Procedures for the Administration of the Codes of Conduct - 2022

BACKGROUND

All councils must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. Council's adopted code of conduct may also include provisions that supplement the Model Code of Conduct however Council's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. Council last adopted its Code of Conduct in November 2020.

Section 440(7) of the *Local Government Act 1993* (the Act) requires Council, within 12 months after each ordinary election, to review its adopted Code of Conduct and make such adjustments as it considers appropriate.

PROPOSAL

A review of Council's existing Codes of Conduct has been undertaken as required by the Act. As Council's Codes of Conduct were adopted in November 2020 based on a new Model Code of Conduct released by the Office of Local Government at that time, they remain current, up to date and no substantive changes are required.

It is recommended that the following documents be re-adopted without amendment from the previously adopted versions that were adopted in November 2020:

- Code of Conduct for Staff
- Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors
- Procedures for the Administration of the Codes of Conduct

Code of Conduct for Councillors and the Councillor Access to Information and Staff Policy

Council has an existing *Councillor Access to Information and Staff Policy*. This policy establishes procedures by which Councillors may access Council information and staff in order to undertake their statutory roles to provide effective civic leadership and to represent the collective interests of residents, ratepayers and the local community.

The Code of Conduct includes a substantial section on the same matters. For the purposes of clarity it would be appropriate that there is a single policy defining Councillor access to information issues. As Council is required to adopt the mandatory sections of the Model Code of Conduct in relation to Councillor access it is considered appropriate that all policy positions relating to access to information and staff be included in the Code of Conduct. This will allow the Code of Conduct to act as a single source of truth on these matters.

The Draft Code of Conduct for Councillors that is recommended for adoption has included the existing provisions from the *Councillor Access to Information and Staff Policy* and the revocation of the policy is recommended.

CONSULTATION AND COMMUNICATION

The only change to the content of the existing Codes of Conduct are made to incorporate the existing provisions of the *Councillor Access to Information and Staff Policy* into the *Code of Conduct for Councillors*. As these provisions are already adopted Council policy it is not proposed to place the Codes of Conduct on public exhibition, as no new policy provisions are proposed.

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 2021-22 Service Plan of the Governance and Customer Service Division.

CONCLUSION

The proposed Codes of Conduct and Procedures for the Administration of the Codes of Conduct attached to this report are based upon the Model Code of Conduct and Procedures published by the Office of Local Government and are appropriate for adoption.

WOLLONGONG CITY COUNCIL

CODE OF CONDUCT

COUNCILLORS

DRAFT - FEBRUARY 2022



Code of Conduct – Councillors

STATEMENT FROM THE LORD MAYOR

I am pleased to introduce to you Wollongong City Council's Code of Conduct for Councillors. The elected representatives of your Council are strongly committed to driving a high performing organisation underpinned by robust governance practices and ethics principles. The attitudes, values, beliefs, and behaviours of the elected representatives plays a critical role in establishing good governance practices throughout the Council at all levels. We are continually focused on proactively driving the highest ethical standards in our conduct and interactions and have zero-tolerance for fraud and corruption in decision making processes or the delivery of all our policies, processes, and projects throughout all levels of our organisation.



Protecting the reputation of the Council is vital to ensure our credibility and maintain public trust in what we do. The Code of Conduct helps all of us maintain the highest standards of ethical conduct and the adherence to its provisions gives confidence to the community that this a Council that is committed to the highest ethical standards. As Lord Mayor I am personally committed to the implementation of, and compliance with, the provisions of this Code.

Cr Gordon Bradbery AM

Lord Mayor

Code of Conduct – Councillors

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Part 1: Introduction



Code of Conduct – Councillors

This Code of Conduct applies to Councillors. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for Council officials. It is prescribed by regulation to assist Council Officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every Council (including County Councils) and Joint Organisations to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct. A Council's or Joint Organisation's adopted Code of Conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "Council Officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory Committees).

Council's adopted Code of Conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, Council's adopted Code of Conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, Administrators, members of staff of Council, delegates of Council, (including members

of Council Committees that are delegates of a Council) and any other person a Council's adopted Code of Conduct applies to, must comply with the applicable provisions of their Council's Code of Conduct. It is the personal responsibility of Council officials to comply with the standards in the Code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a Councillor to comply with the standards of conduct prescribed under this Code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on Councillors for misconduct, including suspension or disqualification from civic office. A Councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Note: References in this Code of Conduct to Councils are also to be taken as references to County Councils and Joint Organisations.

Council Values

Wollongong City Council has defined organisational values to support our purpose of creating an Extraordinary Wollongong. These are:

Respect - inclusive and considerate

Sustainable - use our community's resources responsibly

Courage - challenge the norm to be better

Integrity - honest and reliable

One Team - together we deliver excellent service

Our values are not meant to be just words on a page. They are part of everything we do every day. Our values are evident in this document by graphics that represent each value appearing on the cover page and each chapter page in the Code of Conduct.

Part 2: Definitions



Code of Conduct – Councillors

In this Code the following terms have the following meanings:

Administrator Committee	an Administrator of a Council appointed under the LGA other than an Administrator appointed under section 66 Committee
Committee	see the definition of "Council Committee"
complaint	a Code of Conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
Council	Wollongong City Council
Council Committee	a Committee established by Council comprising of Councillors, staff or other persons that Council has delegated functions to and Council's Audit, Risk and Improvement Committee
Council Committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council Committee other than a wholly advisory Committee, and a person other than a Councillor who is a member of the Council's Audit, Risk and Improvement Committee
Council official	includes Councillors, members of staff of Council, Administrators, Council Committee members, delegates of Council and, for the purposes of clause 4.16 of the Model Code of Conduct, Council advisers
Councillor	any person elected or appointed to civic office, including the Lord Mayor and includes members and chairpersons of County Councils and voting representatives of the boards of joint organisations and chairpersons of Joint Organisations
delegate of Council	a person (other than a Councillor or member of staff of Council) or body, and the individual members of that body, to whom a function of Council is delegated
election campaign	includes Council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
Lord Mayor	includes the chairperson of a County Council or a joint organisation
members of staff of a Council	includes members of staff of County Councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion

Code of Conduct – Councillors

the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2021</i>
Voting representative	a voting representative of the Board of a joint organisation
wholly advisory Committee	a Council Committee that the Council has not delegated any functions to

The term “you” used in this Code of Conduct refers to The Lord Mayor and Councillors.

Part 3: General Conduct Obligations



Code of Conduct – Councillors

General conduct

- 3.1. You must not conduct yourself in a manner that:
- a is likely to bring the Council or other Council officials into disrepute
 - b is contrary to statutory requirements or the Council's administrative requirements or policies
 - c is improper or unethical
 - d is an abuse of power
 - e causes, comprises or involves intimidation or verbal abuse
 - f involves the misuse of your position to obtain a private benefit
 - g constitutes harassment or bullying behaviour under this Code or is unlawfully discriminatory.
- 3.2. You must act lawfully and honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439).

[Model Code]

Fairness and equity

- 3.3. You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4. You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5. An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

[Model Code]

Harassment and discrimination

- 3.6. You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

- 3.7. For the purposes of this Code, "harassment" is any form of behaviour towards a person that:

- a is not wanted by the person
- b offends, humiliates or intimidates the person, and
- c creates a hostile environment.

[Model Code]

Bullying

- 3.8. You must not engage in bullying behaviour towards others.

- 3.9. For the purposes of this Code, "bullying behaviour" is any behaviour in which:

- a a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b the behaviour creates a risk to health and safety.

- 3.10. Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a aggressive, threatening or intimidating conduct
- b belittling or humiliating comments
- c spreading malicious rumours
- d teasing, practical jokes or 'initiation ceremonies'
- e exclusion from work-related events
- f unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g displaying offensive material
- h pressure to behave in an inappropriate manner.

- 3.11. Reasonable management action carried out in a reasonable manner does not constitute bullying, harassment or discrimination behaviours for the purposes of this Code. Examples of reasonable management action may include, but are not limited to:

- a performance management processes
- b disciplinary action for misconduct
- c informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d directing a worker to perform duties in keeping with their job
- e maintaining reasonable workplace goals and standards

Code of Conduct – Councillors

- f legitimately exercising a regulatory function
 - g legitimately implementing a Council policy or administrative processes.
- [Model Code]

Work health and safety

3.12. All Council officials, including Councillors, owe statutory duties under the Work Health and Safety Act 2011 (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety. Specifically, you must:

- a take reasonable care for your own health and safety
- b take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the Council to ensure workplace health and safety
- d cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff
- e report accidents, incidents, near misses, to the General Manager or such other staff member nominated by the General Manager, and take part in any incident investigations
- f so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

[Model Code]

Land use planning, development assessment and other regulatory functions

3.13. You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

3.14. In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

[Model Code]

3.15. You must refrain from offering support to affected parties prior to the normal assessment or review processes of Council being undertaken.

[Council protocol]

Binding caucus votes

3.16. You must not participate in binding caucus votes in relation to matters to be considered at a Council or Committee meeting.

3.17. For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the Council or Committee, irrespective of the personal views of individual members of the group on the merits of the matter before the Council or Committee.

3.18. Clause 3.15 does not prohibit Councillors from discussing a matter before the Council or Committee prior to considering the matter in question at a Council or Committee meeting, or from voluntarily holding a shared view with other Councillors on the merits of a matter.

3.19. Clause 3.15 does not apply to a decision to elect the Lord Mayor or Deputy Lord Mayor, or to nominate a person to be a member of a Council Committee or a representative of the Council on an external body.

[Model Code]

Obligations in relation to meetings

3.20. You must comply with rulings by the chair at Council and Committee meetings or other proceedings of the Council unless a motion dissenting from the ruling is passed.

3.21. You must not engage in bullying behaviour (as defined under this Part) towards the chair, other Council officials

Code of Conduct – Councillors

or any members of the public present during Council or Committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).

- 3.22. You must not engage in conduct that disrupts Council or Committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.23. You must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the Council, or of a Committee of the Council. Without limiting this clause, you must not:
- a leave a meeting of the Council or a Committee for the purposes of depriving the meeting of a quorum, or
 - b submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another Councillor from submitting a rescission motion with respect to the same decision, or
 - c deliberately seek to impede the consideration of business at a meeting.

[Model Code]

Public comment

- 3.24. The Lord Mayor and the General Manager are the official spokespersons on Council business.
- 3.25. The Lord Mayor may delegate Councillors to act as spokespersons for Council.
- 3.26. Councillors may choose to make comment to the media independently, i.e. not as a delegated spokesperson. In such instances statements should be identified as Councillor opinion and not the position of Council.

[Council protocol]

Fraud and Corruption

- 3.27. You must not engage or participate in any act that may constitute fraud and corruption.
- 3.28. You must report any concerns that you reasonably believe may constitute fraud and/or corruption to Council's Professional Conduct Coordinator or the General Manager. Further, you must not

ignore or condone any act that you reasonably suspect to constitute fraud or corruption.

[Council protocol]

Child protection

- 3.29 All Council officials, including Councillors, are required to support and promote the safety, wellbeing and empowerment of children under the age of 18. Specifically, you must:
- a take all reasonable steps to protect children from harm
 - b listen and respond to the views and concerns of children, particularly if they have stated that they or another child have been harmed in any way and/or are worried about their safety or the safety of another child
 - c promote the cultural safety, participation and empowerment of Aboriginal children, and children with a disability, and with culturally or linguistically diverse backgrounds
 - d model appropriate adult behaviour in an open and transparent way
 - e respect the privacy of parents and children by not disclosing personal information
 - f where child abuse is suspected, ensure that children are safe and protected from harm as quickly as possible
 - g encourage children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them

3.30. You must not:

- a develop any 'special' relationships with children that may be seen as favouritism or inappropriate, including through the provision of gifts, showing inappropriate attention or exhibiting improper behaviour
- b exhibit behaviours or engage in activities with children that may be construed as unnecessarily physical contact
- c put children at risk of harm
- d do things of a personal nature that a child can do for themselves such as toileting or changing clothes

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- e engage in open discussions of a mature or adult nature, or use inappropriate language in the presence of children
- f express personal views on cultures, race or sexuality in the presence of children
- g discriminate against any child, including on the basis of age, gender, sexuality, race, cultural background or disability
- h ignore or disregard any concerns, suspicions or disclosures of child being harmed in any way

3.31. All Council officials, including Councillors, are required to immediately report any allegations of child abuse to Council's identified Child Protection Officer. In addition, you must:

- a Report information to the Police if you know, believe or have been informed by a child, family member or community member that a child has been abused, even if it involves another employee Council official.
- b report any breach of the Child Protection standards in this Code of Conduct Council's identified Child Protection Officer.
- c understand and comply with all reporting and/or disclosure obligations, including mandatory reporting and reportable conduct

[Council protocol]

Part 4: Pecuniary Interests



Code of Conduct – Councillors

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - a your interest, or
 - b the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - a Your “relative” is any of the following:
 - i your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - b “de facto partner” has the same meaning as defined in section 21C of the Interpretation Act 1987.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
 - a if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b just because the person is a member of, or is employed by, a Council or a statutory body, or is employed by the Crown, or
 - c just because the person is a member of, or a delegate of a Council to, a

company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

[Model Code]

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
 - a your interest as an elector
 - b your interest as a ratepayer or person liable to pay a charge
 - c an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Code
 - d an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Code
 - e an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - g an interest you have arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the Committee) of the association, or is a partner of the partnership
 - h an interest you have arising from the making by the Council of a contract or agreement with your relative for, or in relation to, any of the following,

Code of Conduct – Councillors

but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:

- i the performance by the Council at the expense of your relative of any work or service in connection with roads or sanitation
- ii security for damage to footpaths or roads
- iii any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council, or by or under any contract
- i an interest relating to the payment of fees to Councillors (including the Lord Mayor and Deputy Lord Mayor)
- j an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Lord Mayor and Deputy Lord Mayor) in accordance with a policy under section 252 of the LGA
- k an interest relating to an election to the office of Lord Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Lord Mayor
- l an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- m an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor
- n an interest arising from the appointment of a Councillor to a body as a representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

[Model Code]

What disclosures must be made by a Councillor?

4.8 A Councillor:

- a must prepare and submit written returns of interests in accordance with clause 4.9, and
- b must disclose pecuniary interests in accordance with clause 4.16 and comply with clause 4.17 where it is applicable.

[Model Code]

Disclosure of interests in written returns

4.9 A Councillor must make and lodge with the General Manager a return in the form set out in schedule 2 to this Code, disclosing the Councillor's interests as specified in schedule 1 to this Code within 3 months after:

- a becoming a Councillor, and b 30 June of each year, and
- c the Councillor becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.10 A Councillor need not make and lodge a return under clause 4.9 paragraphs (a) and (b) if:

- a they made and lodged a return under that clause in the preceding 3 months, or
- b they have ceased to be a Councillor in the preceding 3 months.

4.11 A Councillor must not make and lodge a return that the Councillor knows or ought reasonably to know is false or misleading in a material particular.

4.12 The General Manager must keep a register of returns required to be made and lodged with the General Manager.

4.13 Returns required to be lodged with the General Manager under clause 4.9(a) and (b), or a register of such returns, must be tabled at the first meeting of the Council after the last day the return is required to be lodged.

4.14 Returns required to be lodged with the General Manager under clause 4.9(c), or a register of such returns, must be tabled at the next Council meeting after the return is lodged.

4.15 Information contained in returns made and lodged under clause 4.9 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any

Code of Conduct – Councillors

guidelines issued by the Information Commissioner.

[Model Code]

Disclosure of pecuniary interests at meetings

4.16 A Councillor who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.17 The Councillor must not be present at, or in sight of, the meeting of the Council or Committee:

- a at any time during which the matter is being considered or discussed by the Council or Committee, or
- b at any time during which the Council or Committee is voting on any question in relation to the matter.

4.18 In the case of a meeting of a board of a Joint Organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.16 and 4.17 where they participate in the meeting by telephone or other electronic means.

4.19 A disclosure made at a meeting of a Council or Council Committee must be recorded in the minutes of the meeting.

4.20 A general notice may be given to the General Manager in writing by a Councillor to the effect that the Councillor or the Councillor's spouse, de facto partner or relative, is:

- a a member of, or in the employment of, a specified company or other body, or
- b a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the Council in which it is given (whichever is the sooner), sufficient disclosure of the Councillor's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council Committee after the date of the notice.

4.21 A Councillor is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor has an interest in

the matter of a kind referred to in clause 4.6.

4.22 A Councillor does not breach clauses 4.16 or 4.17 if the Councillor did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.23 Despite clause 4.17, a Councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.24 Clause 4.17 does not apply to a Councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

- a the matter is a proposal relating to:
 - i the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or
 - ii the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
- b the pecuniary interest arises only because of an interest of the Councillor in the Councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- c the Councillor made a special disclosure under clause 4.25 in relation to the interest before the commencement of the meeting.

4.25 A special disclosure of a pecuniary interest made for the purposes of clause 4.24(c) must:

- a be in the form set out in schedule 3 of this Code and contain the information required by that form, and
- b be laid on the table at a meeting of the Council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

Code of Conduct – Councillors

- 4.26 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b that it is in the interests of the electors for the area to do so.
- 4.27 A Councillor with a pecuniary interest in a matter who is permitted to be present at a meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.26, must still disclose the interest they have in the matter in accordance with clause 4.16.

[Model Code]

Part 5: Non-Pecuniary Conflicts of Interests



Code of Conduct – Councillors

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this Code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this Code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

[Model Code]

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
- 5.7 If a disclosure is made at a Council or Committee meeting, both the disclosure and the nature of the interest

must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

- a a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household
- b other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
- d membership, as the Council's representative, of the board or management Committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council

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- and the organisation are potentially in conflict in relation to the particular matter
- e a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council or Committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 Despite clause 5.10(b), a Councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

[Model Code]

Political donations

- 5.13 Councillors should be aware that matters before Council or Committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

- 5.14 Where you are a Councillor and have received or knowingly benefitted from a reportable political donation:
- a made by a major political donor in the previous four years, and
 - b the major political donor has a matter before Council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.15 For the purposes of this Part:
- a a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.16 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.17 Despite clause 5.14, a Councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

[Model Code]

Loss of quorum as a result of compliance with this Part

- 5.18 A Councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a the matter is a proposal relating to:

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- i the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or
- ii the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
- b the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c the Councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.19 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b that it is in the interests of the electors for the area to do so.

5.20 Where the Minister exempts a Councillor from complying with a requirement under this Part under clause 5.19, the Councillor must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

[Model Code]

Personal dealings with Council

5.21 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in

relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

5.22 You must undertake any personal dealings you have with the Council in a manner that is consistent with the way other members of the community deal with the Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this Code.

[Model Code]

Former Council officials

5.23 You must not use your position to obtain opportunities for future employment.

5.24 You must be careful in your dealings with former Council officials and ensure that you do not give or appear to give favourable treatment or access to otherwise confidential information to former Council officials.

[Council protocol]

Sponsorship

5.25 Council actively seeks financial or in-kind sponsorship from a variety of sources to support specific events, promotions, services or other activities of Council. It is essential that sponsorships do not limit Council's ability to carry out its functions fully and impartially. All sponsorship arrangements must comply with Council's 'Sponsorship of Council Activities from External Sources' policy.

[Council protocol]

Part 6: Personal Benefit



Code of Conduct – Councillors

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a Council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a items with a value of \$10 or less
 - b a political donation for the purposes of the *Electoral Funding Act 2018*
 - c a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual Council official or someone personally associated with them
 - d a benefit or facility provided by the Council to a Councillor
 - e attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
 - f free or subsidised meals, beverages or refreshments provided to Councillors in conjunction with the performance of their official duties such as, but not limited to:
 - i the discussion of official business
 - ii work-related events such as Council-sponsored or community events, training, education sessions or workshops
 - iii conferences
 - iv Council functions or events
 - v social functions organised by groups, such as Council Committees and community organisations.

[Model Code]

Note: In relation to 6.2(d) in circumstances where Council is the owner of, and is responsible for the management/operation of a facility, tickets to attend events at that facility that are provided to Councillors are deemed to be provided by Council in its capacity as owner of the facility. This includes, but is not limited to, the Illawarra Performing Arts Centre.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.
[Model Code]
- 6.5 The offer of a gift or benefit of any value from a person in circumstances where the person is seeking the exercise of your decision making discretion or where the person has sought the exercise of your decision making discretion in the previous 12 months must be refused.
[Council protocol]

How are offers of gifts and benefits to be dealt with?

- 6.6 You must not:
- a seek or accept a bribe or other improper inducement
 - b seek gifts or benefits of any kind
 - c accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d subject to clause 6.8, accept any gift or benefit of more than token value as defined by clause 6.10
 - e accept an offer of cash or a cash-like gift as defined by clause 6.14, regardless of the amount
 - f participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer–supplier relationship with the competition organiser
 - g personally benefit from reward points programs when purchasing on behalf of the Council.

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- 6.7** Where you receive an offer of a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to the General Manager in writing. The recipient or General Manager must ensure that, at a minimum, the following details are recorded in the Council's gift register:
- a the nature of the gift or benefit
 - b the estimated monetary value of the gift or benefit
 - c the name of the person who provided the gift or benefit, and the name of the organisation they represent where not received from an individual.
 - d the date on which the gift or benefit was received, and
 - e whether the gift or benefit was accepted or refused.
- 6.8** Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.

[Model Code]

Gifts and benefits of token value

- 6.9** You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- a invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
 - b gifts of alcohol that do not exceed a value of \$50
 - c ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

- 6.10** Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.6(d) and, subject to clause 6.8, must not be accepted.
- 6.11** Gifts and benefits of more than token value include, but are not limited to,

tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

- 6.12** Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.13** For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

- 6.14** For the purposes of clause 6.6(e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.15** You must not use your position to influence other Council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A Councillor will not be in breach of this clause where they seek to influence other Council officials through the proper exercise of their role as prescribed under the LGA.
- 6.16** You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.

Part 7: Relationships Between Council Officials



Code of Conduct – Councillors

Obligations of Councillors and Administrators

7.1 Each Council is a body politic. The Councillors or Administrator/s are the governing body of the Council. Under section 223 of the LGA, the role of the governing body of the Council includes the development and endorsement of the strategic plans, programs, strategies and policies of the Council, including those relating to workforce policy, and to keep the performance of the Council under review.

7.2 Councillors or Administrators must not:

- a direct Council staff other than by giving appropriate direction to the General Manager by way of Council or Committee resolution, or by the Lord Mayor or Administrator exercising their functions under section 226 of the LGA
- b in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate
- c contact a member of the staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager
- d contact or issue instructions to any of the Council's contractors, including the Council's legal advisers, unless by the Lord Mayor or Administrator exercising their functions under section 226 of the LGA.

7.3 Despite clause 7.2, Councillors may contact the Council's external auditor or the chair of the Council's Audit Risk and Improvement Committee to provide information reasonably necessary for the external auditor or the Audit, Risk and Improvement Committee to effectively perform their functions.

[Model Code]

Obligations of staff

7.4 Under section 335 of the LGA, the role of the General Manager includes conducting the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the Council and ensuring that the Lord Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.5 Members of staff of Council must:

- a give their attention to the business of the Council while on duty
- b ensure that their work is carried out ethically, efficiently, economically and effectively
- c carry out reasonable and lawful directions given by any person having authority to give such directions
- d give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them
- e ensure that any participation in political activities outside the service of the Council does not interfere with the performance of their official duties.

[Model Code]

Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a Councillors and Administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b Council staff approaching Councillors and Administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c subject to clause 8.6, Council staff refusing to give information that is available to other Councillors to a particular Councillor
- d Councillors and Administrators who have lodged an application with the Council, discussing the matter with

Code of Conduct – Councillors

- Council staff in staff-only areas of the Council
- e Councillors and Administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the Councillor or Administrator has a right to be heard by the panel at the meeting
 - f Councillors and Administrators being overbearing or threatening to Council staff
 - g Council staff being overbearing or threatening to Councillors or Administrators
 - h Councillors and Administrators making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this Code in public forums including social media
 - i Councillors and Administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make
 - j Council staff providing ad hoc advice to Councillors and Administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
 - k Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the Council associated with current or proposed legal proceedings unless permitted to do so by the Council's General Manager or, in the case of the Lord Mayor or Administrator, unless they are exercising their functions under section 226 of the LGA.

[Model Code]

Part 8: Access to Information & Council Resources



Code of Conduct – Councillors

Councillor and Administrator access to information

- 8.1 The General Manager is responsible for ensuring that Councillors and Administrators can access information necessary for the performance of their official functions. The General Manager and public officer are also responsible for ensuring that members of the public can access publicly available Council information under the Government Information (Public Access) Act 2009 (the GIPA Act).
- 8.2 The General Manager must provide Councillors and Administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of Council must provide full and timely information to Councillors and Administrators sufficient to enable them to exercise their official functions and in accordance with Council procedures.
- 8.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their official functions must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 8.5 Councillors and Administrators who have a private interest only in Council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, Councillors and Administrators who are precluded from participating in the consideration of a matter under this Code because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.
- [Model Code]
- 8.7 If a Councillor or Administrator requests access to information that relates to a Councillor's personal or business interests, other than civic, the Request must be made pursuant to the GIPA Act, the form for which is available on Council's website and will be processed in accordance with the timeframes set out in the Public Access to Council Documents and Information Policy.

[Council Protocol]

Procedure for Councillors to Access Council Information

- 8.8 Councillors wishing to access Council information, other than "open access information" as prescribed in the GIPA Act, must make application to the Public Officer by completing Council's online "Councillor Request" available via email to admin@wollongong.nsw.gov.au. The Councillor Request should be drafted carefully and should precisely detail the information being sought. It is expected that Councillors will act reasonably in making Requests.
- 8.9 Councillor Requests relating to the exercise of a Councillor's functions of civic office will be processed as soon as possible and a response (or an interim response in the case of a complex Request) will be provided in accordance with the following guidelines:
- a same day response – information is easily accessible and no reference/investigation is required. Examples:
 - copy of a Council document
 - basic information on an Agenda Item on day of a Council meeting.
 - b one to five working day response – information is on hand but needs to be processed for release. Examples :
 - Submissions to a Development Application – documents are electronic and extra time required to extract and redact information where appropriate
 - request containing a number of questions which may relate to more than one Division and where responses need to be collated into a single reply
 - c within 10 working days – investigation and research is required in order to provide the requested information. Examples:
 - a comprehensive summary including Court Consent Orders for Planning Appeals
 - copies of documents where the files are stored offsite.

Where this investigation and research is extensive and/or complex and the 10 working day timeframe cannot be met, the Councillor lodging the request will be notified within five (5) working days and provided with an indication of when the information may be forthcoming.

Code of Conduct – Councillors

8.10 Where it is believed that significant resources will be required to respond to a Councillor Request, or the number of Requests being submitted by a Councillor, the Public Officer will consider the time and/or costs that are likely to be incurred in providing the requested information and decide on granting access. An indication will also be given as to any other matters that will not be attended to as a result of compiling the requested information.

8.11 The following reports will be provided to Councillors via the Councillor Portal on a monthly basis:

- i active Councillor requests
- ii completed Councillor requests for the previous three months.

[Council protocol]

Councillors and Administrators to properly examine and consider information

8.12 Councillors and Administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

8.13 Where the General Manager or Public Officer determine to refuse access to information requested by a Councillor or Administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the Councillor or Administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The General Manager or public officer must state the reasons for the decision if access is refused.

[Model Code]

8.14 If access to the Council information sought by a Councillor is refused, a Councillor may lodge a formal application under the GIPA Act, or lodge a complaint with the Office of Local Government

8.15 If a Councillor makes a formal application under the GIPA Act that is refused a Councillor may ask for an internal review or an external review by the Information Commissioner.

[Council protocol]

Use of certain Council information

8.16 In regard to information obtained in your capacity as a Council official, you must:

- a only access Council information needed for Council business
- b not use that Council information for private purposes
- c not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office with Council
- d only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

8.17 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.18 In addition to your general obligations relating to the use of Council information, you must:

- a. only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b. protect confidential information
- c. only release confidential information if you have authority to do so
- d. only use confidential information for the purpose for which it is intended to be used
- e. not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or another person
- f. not use confidential information with the intention to cause harm or detriment to the Council or any other person or body
- g. not disclose any confidential information discussed during a confidential session of a Council or Committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

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- 8.19 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.20 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council or other information that could give the appearance it is official Council material:
- a for the purpose of assisting your election campaign or the election campaign of others, or
 - b for other non-official purposes.
- 8.21 You must not convert any property of the Council to your own use unless properly authorised.

Personal information

- 8.22 When dealing with personal information you must comply with:
- a the *Privacy and Personal Information Protection Act 1998*
 - b the *Health Records and Information Privacy Act 2002*
 - c the Information Protection Principles and Health Privacy Principles
 - d the Council's Privacy Management Plan
 - e the Privacy Code of Practice for Local Government

Use of Council resources

- 8.23 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.24 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.25 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

Information Technology

- 8.26 You must comply with Council's information security requirements as set out in the Information Security policy, the Technology Systems Acceptable Usage policy and the Corporate Records Management policy in relation to the use of information technology systems. All information stored in either soft or hard copy is deemed to be related to the business of Council and can be used by Council as records regardless of whether the original intention of the creation of the information was for personal or business purposes.
[Council protocol]

Internet access

- 8.27 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.
- 8.28 When using social media, you must comply with the general conduct provisions of this Code.
[Council protocol]

Council record keeping

- 8.29 You must comply with the requirements of the State Records Act 1998 and the Council's records management policy.
- 8.30 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the State Records Act 1998 and the Council's approved records management policies and practices.
- 8.31 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.32 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's records manager and comply with the requirements of the State Records Act 1998.

Code of Conduct – Councillors

- 8.33 Records of Council business that are created or received by Councillors (with the exception of those sent from Council as they are already captured) shall be forwarded to Council as soon as is practicable for saving the record into Council's record keeping system. If documents concern sensitive or confidential matters they should be forwarded to Council's Public Officer, marked "Private and Confidential".

[Council Protocol]

Councillor access to Council buildings

- 8.34 Councillors and Administrators are entitled to have access to the Council chamber, Committee room, Lord Mayor's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours and for meetings.
- 8.35 Councillors and Administrators needing access to these facilities at other times must obtain authority from the General Manager.
- 8.36 The General Manager will issue Councillors and Administrators with an access pass, authorising entry into the non-public areas of Council, in accordance with clause 8.28, during and outside of business hours.

[Council protocol]

- 8.37 Councillors and Administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or their delegate) or as provided for in the procedures governing the interaction of Councillors and Council staff.
- 8.38 Councillors and Administrators must ensure that when they are within a staff only area, they refrain from conduct that could be perceived to improperly influence Council staff decisions
- 8.39 Councillors whilst not in pursuit of their civic duties have the same rights of access to Council buildings and premises as any other member of the public.
- 8.40 A Councillor must seek the prior consent of the relevant Divisional Manager, Director or the General Manager before entering a particular work area of Council.

[Council protocol]

Councillor Briefings

- 8.41 Councillor briefing sessions are conducted to fully inform Councillors of matters of significance or complexity that are to be the subject of a staff report at a future meeting of Council or are of particular current interest to Council.

- 8.42 Councillor briefing sessions are subject to specific provisions in Council's Code of Meeting Practice

- 8.43 Councillor briefing sessions are not to be used for detailed discussions where agreement is reached or a de-facto decision is made and such discussions, exchanges of views and decisions are to be left to the open forum of a council meeting.

- 8.44 On occasion, confidential matters will be presented at Councillor Briefing and this will be noted in the presentation and accompanying documentation. Councillors must maintain the integrity and security of confidential documents or information distributed or discussed at Councillor Briefings.

- 8.45 The conflict of interest provisions of this Code apply to all Councillor briefing sessions.

- 8.46 Matters of general interest to Councillors may be the subject of an Information Note to Councillors from staff and are added to the monthly Information Folder via the Councillors' Portal. If an Information Note is marked confidential, Councillors and staff must maintain the integrity and security of confidential information in accordance with the Codes of Conduct and supporting policies.

[Council protocol]

Interaction Between Councillors and Council Staff During Meetings

- 8.47 During Meetings a Councillor may, through the Chairperson, put a question to another Councillor and, may through the General Manager, put a question to Council staff.
- 8.48 A Councillor or employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or documents.
- 8.49 A Councillor must put every question directly, succinctly and without argument.

8.50 The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council staff. The General Manager or Council staff should use their best endeavours to provide answers to questions in a timely manner. It is not appropriate for the General Manager, Councillors or staff to ask the Council to determine whether the questions asked by individual Councillors should or should not be answered. It is also important that questions do not result in substantial new work or require the development of a new policy as part of the answer. ask the Council to determine whether the questions asked by individual themselves or for some other person. should not be answered.

8.54 Councillors must not take advantage of their official position to improperly influence other Councillors, members of staff or delegates in the performance of their public or professional duties for the purpose of securing private benefit for themselves or for some other person

Interaction Between Councillors and Council Staff Outside of Meetings

8.51 Councillors may contact a Divisional Manager, Director or the General Manager to discuss, or to make arrangements to meet to discuss, Council services or projects. Councillors must not make direct contact without the approval of the General Manager, Director or Divisional Manager and where such approval has been granted must not direct or pressure staff in the performance of their work. Staff must immediately report all breaches to their Divisional Manager, Director or General Manager. Councillors should or with Divisional staff work of a clerical nature directly related to the performance of their civic duties. Such a request must be made to the Public Officer.

8.52 Councillors must not request staff to undertake work for the Councillor or for any other Councillors must not take advantage of their official position to improperly influence other Councillors, members of staff or delegates in the performance of their public or professional duties for the purpose of securing private benefit for without the approval of the General Manager, Director or Divisional Manager and where such approval has been granted must not direct or pressure staff in the performance of their work. Staff must immediately report all breaches to their Divisional Manager, Director or General Manager.

8.53 Councillors must not request staff to undertake work for the Councillor or for any other person with the exception of work of a clerical nature directly related to the performance of their civic duties. Such a request must be made to the Public Officer

Part 9: Maintaining the Integrity of this Code



Code of Conduct – Councillors

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this Code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a to bully, intimidate or harass another Council official
 - b to damage another Council official's reputation
 - c to obtain a political advantage
 - d to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f to avoid disciplinary action under the Procedures
 - g to take reprisal action against a person for making a complaint alleging a breach of this Code
 - h to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i to prevent or disrupt the effective administration of this Code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this Code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a injury, damage or loss
 - b intimidation or harassment
 - c discrimination, disadvantage or adverse treatment in relation to employment

- d dismissal from, or prejudice in, employment
- e disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this Code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this Code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this Code at Council, Committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this Code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Code of Conduct – Councillors

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a Councillor or Administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.

[Model Code]

Schedule 1:

Disclosures of Interests and other Matters in Written Returns Submitted Under Clause 4.9



Code of Conduct – Councillors

Part 1: Preliminary

Definitions

- 1 For the purposes of the schedules to this Code, the following definitions apply:

address	means: <ol style="list-style-type: none">a in relation to a person other than a corporation, the last residential or business address of the person known to the Councillor disclosing the address, orb in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, orc in relation to any real property, the street address of the property. de facto partner has the same meaning as defined in section 21C of the <i>Interpretation Act 1987</i>.
disposition of property	means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following: <ol style="list-style-type: none">a the allotment of shares in a companyb the creation of a trust in respect of propertyc the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of propertyd the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of propertye the exercise by a person of a general power of appointment over property in favour of another personf a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.
gift	means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.
interest	means: <ol style="list-style-type: none">a in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, orb in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.
listed company	means a company that is listed within the meaning of section 9 of the <i>Corporations Act 2001</i> of the Commonwealth.
occupation	includes trade, profession and vocation.
professional or business association	means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.
property	includes money
return date	means: <ol style="list-style-type: none">a in the case of a return made under clause 4.9(a) , the date on which a person became a Councillor

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- b in the case of a return made under clause 4.9(b) , 30 June of the year in which the return is made
 - c in the case of a return made under clause 4.9(c) , the date on which the Councillor became aware of the interest to be disclosed.
- relative includes any of the following:
 - a a person's spouse or de facto partner
 - b a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - c a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - d the spouse or de factor partner of a person referred to in paragraphs (b) and (c).
- travel includes accommodation incidental to a journey

Matters relating to the interests that must be included in returns

- 2 *Interests etc. outside New South Wales*
A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3 *References to interests in real property:*
A reference in this schedule or in schedule 2 to real property in which a Councillor has an interest includes a reference to any real property situated in Australia in which the Councillor has an interest.
- 4 *Gifts, loans etc. from related corporations:*
For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a Councillor by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

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Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.9 of this Code must disclose:
 - a the street address of each parcel of real property in which they had an interest on the return date, and
 - b the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a as executor of the will, or Administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a Councillor.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.9 of this Code must disclose:
 - a a description of each gift received in the period since 30 June of the previous financial year, and
 - b the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b it was a political donation disclosed, or required to be disclosed, under

Part 3 of the *Electoral Funding Act 2018*, or

- c the donor was a relative of the donee, or
 - d subject to paragraph (a), it was received prior to the person becoming a Councillor.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.9 of this Code must disclose:
 - a the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b the dates on which the travel was undertaken, and
 - c the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
 - b was made by a relative of the traveller, or
 - c was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f was made by a political party of which the traveller was a member and the travel was undertaken for the

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purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or

- g subject to paragraph (d) it was received prior to the person becoming a Councillor.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.9 of this Code must disclose:
- a the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c the nature of the interest, or the position held, in each of the corporations, and
 - d a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b required to apply its profits or other income in promoting its objects, and
 - c prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person

ceased to hold the interest or position prior to becoming a Councillor.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.9 of this Code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.9 of the Code must disclose:
- a the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a Councillor.

Dispositions of real property

23. A person making a return under clause 4.9 of this Code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

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24. A person making a return under clause 4.9 of this Code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a Councillor.

Sources of income

26. A person making a return under clause 4.9 of this Code must disclose:
 - a each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
 - a in relation to income from an occupation of the person:
 - i a description of the occupation, and
 - ii if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a Councillor need not be disclosed.
30. A fee paid to a Councillor or to the Lord Mayor or Deputy Lord Mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.9 of this Code must disclose the name and address of each person to whom the person was liable to pay any debt:
 - a on the return date, and
 - b at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.9 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
 - a the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - i the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - ii the amounts to be paid exceeded, in the aggregate, \$500, or
 - b the person was liable to pay the debt to a relative, or
 - c in the case of a debt arising from a loan of money the person was liable

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- to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d in the case of a debt arising from the supply of goods or services:
- i the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - ii the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e subject to paragraph (a), the debt was discharged prior to the person becoming a Councillor.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Schedule 2:

Form of Written Return if Interests Submitted Under Clause 4.9



Code of Conduct – Councillors

‘Disclosures by Councillors and designated persons’ return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the General Manager after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Councillor or designated person.
3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the General Manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word “NIL” is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the General Manager in a register of returns. The General Manager is required to table all returns at a Council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

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Disclosure of pecuniary interests and other matters by *[full name of councillor or designated person]*

as at *[return date]*

in respect of the period from *[date]* to *[date]*

[Designated person's signature]

[date]

This form must be completed in BLOCK letters or typed

A. Real Property			
Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June		Nature of interest	
B. Sources of income			
1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June			
Sources of income I received from an occupation at any time since 30 June			
Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)	
2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June			
Sources of income I received from a trust since 30 June			
Name and address of settlor		Name and address of trustee	
3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June			
Sources of other income I received at any time since 30 June			
<i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>			
C. Gifts			
Description of each gift I received at any time since 30 June		Name and address of donor	
D. Contributions to travel			
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken	
E. Interests and positions in corporations			
Name and address of each corporation in which I had an interest	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of

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This form must be completed in BLOCK letters or typed

or held a position at the return date/at any time since 30 June	corporation (except in case of listed company)
--	---

F. Were you a property developer or a close associate of a property developer on the return date?

(Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
--	-------------------------

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time
since 30 June

I. Dispositions of property

- 1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
- 2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

Schedule 3:

Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.25



Code of Conduct – Councillors

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a Councillor has in the Councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the Council or Council Committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by [full name of Councillor]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the [name of Council or Council Committee (as the case requires)]

to be held on the [date] day of [month] 20[year]

This form must be completed in BLOCK letters or typed

Pecuniary interest

Address of the affected principal place of residence of the Councillor or an associated person, company or body (the identified land)

[Address]

Relationship of identified land to the Councillor

[Tick or cross one box.]

- ☐ The Councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).
- ☐ An associated person of the Councillor has an interest in the land.
- ☐ An associated company or body of the Councillor has an interest in the land.

Matter giving rise to pecuniary interest¹

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)² [Tick or cross one box]

- ☐ The identified land.
- ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.

Current zone/planning control

[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]


Proposed change of zone/planning control

[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]

Effect of proposed change of zone/planning control on Councillor or associated person

[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature: 

Date:

[This form is to be retained by the Council's General Manager and included in full in the minutes of the meeting]

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a Councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Attachment 1: Summary of Councillor Request Process



TYPE OF REQUEST	FORM OF REQUEST	PROCESS
Action (eg repairs to footpath, mowing of park)	Email to admin@wollongong.nsw.gov.au	Request entered into Customer Service Request system and allocated a request number which is notified to Councillor.
Access to Council documents for a purpose related to your role as a Councillor	Email to admin@wollongong.nsw.gov.au	
Access to documents for a private purpose	Application under GIPA Act	Referral to Information Management for determination.
Access to Council Workplace, other than as defined in this Code	Telephone request to relevant Divisional Manager, Director or General Manager	Co-ordination by Divisional Manager, Director or General Manager.
Advice (eg technical advice, current status of development application, request for allocation of capital budgets)	Electronic Councillor Request via email to admin@wollongong.nsw.gov.au	Registration and referral to relevant Divisional Manager with copy to Director and General Manager. Divisional Manager to update register as to progress of Request.
Administrative or Technology Support	Phone call or email to Manager, Governance and Customer Service or Governance and Risk Manager.	Arranged in accordance with Councillors Expenses and Facilities Policy.
Discussion of Council services or projects	Telephone request or personal contact with relevant Divisional Manager, Director or General Manager	Co-ordination by Divisional Manager, Director or General Manager.

APPROVAL AND REVIEW		
Responsible Division	Governance and Customer Service	
Date/s adopted	<i>EMC</i> 3 November 2020	<i>Council</i> 16 November 2020
Date/s of previous adoptions	27/02/2019, 20/11/2017, 25/02/2013, 01/02/2011, 23/07/2008, 16/10/2007, 28/02/2005, 28/06/2004	
Date of next review	February 2022	

WOLLONGONG CITY COUNCIL

CODE OF CONDUCT

STAFF

ADOPTED NOVEMBER 2020



STATEMENT FROM THE GENERAL MANAGER

I am pleased to introduce to you the Wollongong City Council Code of Conduct. The Executive and Senior Leadership Team of Council are strongly committed to driving a high performing organisation underpinned by robust governance practices and ethics principles. The attitudes, values, beliefs, and behaviours of our leaders and staff must support good governance. Our staff values are included in this Code and demonstrate our collective commitment to achieving the very best outcomes for our community. We are continually focused on proactively driving the highest ethical standards in our conduct and interactions and have zero-tolerance for fraud and corruption in the delivery of all our policies, processes, and projects throughout all levels of our organisation.



Protecting the reputation of the Council is vital to ensure our credibility and maintain public trust in what we do. The Code of Conduct helps all of us comply with our professional obligations and maintain high standards of ethical conduct. Everyone working with Council should expect to be treated, and must treat others, with respect, dignity and fairness. The Code does not cover every issue that may arise but provides guidance around standards of behaviour. I expect all Council employees and delegates to make themselves aware of the Code and to implement and comply with its provisions and the core values on which it is based. You are required to act both within the letter and spirit of the Code.

If you need further information on Council's Code of Conduct or advice on any ethical conduct issues, speak to your manager, Organisational Development, Governance or any member of the Leadership team.

Greg Doyle
General Manager

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Part 1: Introduction



This Code of Conduct applies to members of Council staff, including the General Manager. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for Council officials. It is prescribed by regulation to assist Council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every Council (including County Councils) and Joint Organisation to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct. Council's or Joint Organisation's adopted Code of Conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "Council officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory committees).

Council's adopted Code of Conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, Council may adopt a Code of Conduct with requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, Administrators, members of staff of Council, delegates of Council, (including members of Council Committees that are delegates of Council) and any other person a Council's adopted Code of Conduct applies to, must comply with the applicable provisions of the Council's Code of Conduct. It is the personal responsibility of Council officials to comply with the standards in the Code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.

Note: References in this Code of Conduct to Councils are also to be taken as references to County Councils and Joint Organisations.

Council Values

Wollongong City Council has defined organisational values to support our purpose of creating an Extraordinary Wollongong. These are :

Respect - inclusive and considerate

Sustainable - use our community's resources responsibly

Courage - challenge the norm to be better

Integrity - honest and reliable

One Team - together we deliver excellent service

Our values are not meant to be just words on a page. They are part of everything we do every day. Our values are evident in this document by graphics that represent each value appearing on the cover page and each chapter page in the Code of Conduct.

Part 2: Definitions



In this Code the following terms have the following meanings:

Committee	see the definition of "Council Committee"
Administrator	an administrator of a Council appointed under the LGA other than an Administrator appointed under section 66
Committee	See the Definition of "Council Committee"
complaint	a Code of Conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
Council	Wollongong City Council
Council Committee	a Committee established by Council comprising of Councillors, staff or other persons that Council has delegated functions to and Council's Audit, Risk and Improvement Committee
Council Committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council Committee other than a wholly advisory Committee, and a person other than a Councillor who is a member of the Council's Audit, Risk and Improvement Committee
Council official	includes Councillors, members of staff of Council, Administrators, Council Committee members, delegates of Council and, for the purposes of clause 4.16 of the Model Code of Conduct, Council advisers
Councillor	any person elected or appointed to civic office, including the Lord Mayor and includes members and chairpersons of County Councils and voting representatives of the boards of Joint Organisations and chairpersons of Joint Organisations
delegate of Council	a person (other than a Councillor or member of staff of Council) or body, and the individual members of that body, to whom a function of Council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes Council, state and federal election campaigns
Joint Organisation	a Joint Organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a County Council or a Joint Organisation
members of staff of a Council	includes members of staff of County Councils and Joint Organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
wholly advisory Committee	a Council Committee that the Council has not delegated any functions to.

The term "you" used in this Code of Conduct refers to members of Council staff.

Part 3: General Conduct Obligations



General conduct

- 3.1. You must not conduct yourself in a manner that:
- a is likely to bring the Council or other Council officials into disrepute
 - b is contrary to statutory requirements or Council's administrative requirements or policies
 - c is improper or unethical
 - d is an abuse of power
 - e causes, comprises or involves intimidation or verbal abuse
 - f involves the misuse of your position to obtain a private benefit
 - g constitutes harassment or bullying behaviour under this Code or is unlawfully discriminatory.
- 3.2. You must act lawfully and honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439).

[Model Code]

Fairness and equity

- 3.3. You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4. You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5. An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

[Model Code]

Harassment and discrimination

- 3.6. You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

- 3.7. For the purposes of this Code, "harassment" is any form of behaviour towards a person that:

- a is not wanted by the person,
- b offends, humiliates or intimidates the person, and
- c creates a hostile environment.

[Model Code]

Bullying

- 3.8. You must not engage in bullying behaviour towards others.
- 3.9. For the purposes of this Code, "bullying behaviour" is any behaviour in which:
- a a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b the behaviour creates a risk to health and safety.
- 3.10. Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a aggressive, threatening or intimidating conduct
 - b belittling or humiliating comments
 - c spreading malicious rumours
 - d teasing, practical jokes or 'initiation ceremonies'
 - e exclusion from work-related events
 - f unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g displaying offensive material
 - h pressure to behave in an inappropriate manner.

Reasonable Management Action

- 3.11. Reasonable management action carried out in a reasonable manner does not constitute bullying, harassment or discrimination behaviours for the purposes of this Code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job

- e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising a regulatory function
 - g) legitimately implementing a Council policy or administrative processes.
- [Model Code]

Work health and safety

- 3.12. Council staff owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by Council to ensure workplace health and safety. Specifically, you must:
- a take reasonable care for your own health and safety
 - b take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by Council to ensure workplace health and safety
 - d cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff
 - e report accidents, incidents, near misses, to the General Manager or such other staff member nominated by the General Manager, and take part in any incident investigations
 - f so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.
- [Model Code]

Land use planning, development assessment and other regulatory functions

- 3.13. You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14. In exercising land use planning, development assessment and other regulatory functions, you must ensure that

no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

[Model Code]

- 3.15. In determining development applications or in exercising regulatory or enforcement functions, it is essential that you are highly conscious of the potential for even the slightest impropriety that may lead to any suspicion of misconduct.
- 3.16. You must refrain from offering support to affected parties prior to the normal assessment or review processes of Council being undertaken.
- [Council protocol]

Public Comment

- 3.17. Only those Council staff who are specifically delegated to do so by the General Manager may make public comment to the media about Council matters. Staff must comply with Council's Media policies and protocols, and general conduct provision of this Code.
- [Council protocol]

Obligations in relation to meetings

- 3.18. You must comply with rulings by the chair at Council and Committee meetings or other proceedings of the Council unless a motion dissenting from the ruling is passed.
- 3.19. You must not engage in bullying behaviour (as defined under this Part) towards the chair, other Council officials or any members of the public present during Council or Committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).
- 3.20. You must not engage in conduct that disrupts Council or Committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- [Model Code]

Fraud and Corruption

- 3.21. You must not engage or participate in any act that may constitute fraud and corruption.
- 3.22. You must report any concerns that you reasonably believe may constitute fraud and/or corruption to Council's Professional

Conduct Coordinator or the General Manager. Further, you must not ignore or condone any act that you reasonably suspect to constitute fraud or corruption. Failure to report or disclose any potential fraud or corruption may result in disciplinary action against you.

[Council protocol]

Right to Work and Criminal Convictions

3.23. You must disclose to Council any criminal conviction you incur during the course of your employment with Council. Further, staff are obligated to disclose any change in their working rights (e.g. change of visa status or loss of licence) during the course of their employment.

[Council protocol]

Child protection

3.24. All Council officials, including Councillors, are required to support and promote the safety, wellbeing and empowerment of children under the age of 18. Specifically, you must:

- a take all reasonable steps to protect children from harm
- b listen and respond to the views and concerns of children, particularly if they have stated that they or another child have been harmed in any way and/or are worried about their safety or the safety of another child
- c promote the cultural safety, participation and empowerment of Aboriginal children, and children with a disability, and with culturally or linguistically diverse backgrounds
- d model appropriate adult behaviour in an open and transparent way
- e respect the privacy of parents and children by not disclosing personal information
- f where child abuse is suspected, ensure that children are safe and protected from harm as quickly as possible
- g encourage children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them

3.25. You must not:

- a develop any 'special' relationships with children that may be seen as favouritism or inappropriate, including through the provision of gifts, showing inappropriate attention or exhibiting improper behaviour

- b exhibit behaviours or engage in activities with children that may be construed as unnecessarily physical contact
- c put children at risk of harm
- d do things of a personal nature that a child can do for themselves such as toileting or changing clothes
- e engage in open discussions of a mature or adult nature, or use inappropriate language in the presence of children
- f express personal views on cultures, race or sexuality in the presence of children
- g discriminate against any child, including on the basis of age, gender, sexuality, race, cultural background or disability
- h ignore or disregard any concerns, suspicions or disclosures of child being harmed in any way

3.26. All Council officials, including Councillors, are required to immediately report any allegations of child abuse to Council's identified Child Protection Officer. In addition, you must:

- a Report information to the Police if you know, believe or have been informed by a child, family member or community member that a child has been abused, even if it involves another employee Council official.
- b report any breach of the Child Protection standards in this Code of Conduct Council's identified Child Protection Officer.
- c understand and comply with all reporting and/or disclosure obligations, including mandatory reporting and reportable conduct

[Council protocol]

Part 4: Pecuniary Interests



What is a pecuniary interest?

- 4.1. A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2. You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3. For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - a your interest, or
 - b the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4. For the purposes of clause 4.3:
 - a Your "relative" is any of the following:
 - i your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - b "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5. You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
 - a if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b just because the person is a member of, or is employed by, a Council or a statutory body, or is employed by the Crown, or
 - c just because the person is a member of, or a delegate of a Council to, a company or other body that has a

pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

[Model Code]

What interests do not have to be disclosed?

- 4.6. You do not have to disclose the following interests for the purposes of this Part:
 - a your interest as an elector
 - b your interest as a ratepayer or person liable to pay a charge
 - c an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Code
 - d an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Code
 - e an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - g an interest you have arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the Committee) of the association, or is a partner of the partnership
 - h an interest you have arising from the making by the Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as

have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:

- i the performance by the Council at the expense of your relative of any work or service in connection with roads or sanitation
- ii security for damage to footpaths or roads
- iii any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council, or by or under any contract
- i an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- j an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Council Committee member.

4.7. For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

[Model Code]

What disclosures must be made by a designated person?

- 4.8. Designated persons include:
- a the General Manager
 - b other Senior Staff of the Council for the purposes of section 332 of the LGA
 - c a person (other than a member of the Senior Staff of the Council) who is a member of staff of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff and the person's private interest.
 - d a person (other than a member of the senior staff of Council) who is a member of a Committee of the Council identified by Council as a Committee whose members are designated persons because the functions of the Committee involve the exercise of the Council's functions (such as regulatory

functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the Committee and the member's private interest.

- 4.9. A designated person:
- a must prepare and submit written returns of interests in accordance with clause 4.18, and
 - b must disclose pecuniary interests in accordance with clause 4.10.

4.10. A designated person must disclose in writing to the General Manager (or if the person is the General Manager, to the Council) the nature of any pecuniary interest the person has in any Council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11. Clause 4.10 does not require a designated person who is a member of staff of the Council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12. The General Manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13. A disclosure by the General Manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Council and the Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

[Model Code]

What disclosures must be made by Council staff other than designated persons?

4.14. A member of staff of Council, other than a designated person, must disclose in writing to their manager or the General Manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

4.15. The staff member's manager or the General Manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

[Model Code]

What disclosures must be made by a Council Committee member?

- 4.16. A Council Committee member must disclose pecuniary interests in accordance with clause 4.25 and comply with clause 4.26.
- 4.17. For the purposes of clause 4.16, a "Council Committee member" includes a member of staff of Council who is a member of the Committee.

[Model Code]

Disclosure of interests in written returns

- 4.18. A designated person must make and lodge with the General Manager a return in the form set out in Schedule 2 to this Code, disclosing the designated person's interests as specified in Schedule 1 to this Code within 3 months after:
- a becoming a designated person, and
 - b 30 June of each year, and
 - c the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.19. A person need not make and lodge a return under clause 4.18, paragraphs (a) and (b) if:
- a they made and lodged a return under that clause in the preceding 3 months, or
 - b they have ceased to be a designated person in the preceding 3 months.
- 4.20. A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.21. The General Manager must keep a register of returns required to be made and lodged with the General Manager.
- 4.22. Returns required to be lodged with the General Manager under clause 4.18(a) and (b), or a register of such returns, must be tabled at the first meeting of the Council after the last day the return is required to be lodged.
- 4.23. Returns required to be lodged with the General Manager under clause 4.18(c), or a register of such returns, must be tabled at the next Council meeting after the return is lodged.
- 4.24. Information contained in returns made and lodged under clause 4.18 is to be made

publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any guidelines issued by the Information Commissioner.

[Model Code]

Disclosure of pecuniary interests at meetings

- 4.25. A Council Committee member, who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.26. The Council Committee member must not be present at, or in sight of, the meeting of the Council or Committee:
- a at any time during which the matter is being considered or discussed by the Committee, or
 - b at any time during which the Committee is voting on any question in relation to the matter.
- 4.27. A disclosure made at a meeting of a Council Committee must be recorded in the minutes of the meeting.
- 4.28. A general notice may be given to the General Manager in writing by a Council Committee member to the effect that the Council Committee member, or the Council Committee member's spouse, de facto partner or relative, is:
- a a member of, or in the employment of, a specified company or other body, or
 - b a partner of, or in the employment of, a specified person.
 - c Such a notice is, unless and until the notice is withdrawn or until the end of the term of the Council in which it is given (whichever is the sooner), sufficient disclosure of the Council Committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council Committee after the date of the notice.
- 4.29. A Council Committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Council Committee member has an interest in the matter of a kind referred to in clause 4.6.

- 4.30. A person does not breach clauses 4.25 or 4.26 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.31. The Minister for Local Government may, conditionally or unconditionally, allow a Council Committee member who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 4.32. A Council Committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the Committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.31, must still disclose the interest they have in the matter in accordance with clause 4.25.

[Model Code]

Note: For the purpose of clauses 4.25 to 4.32, a "Council Committee member" includes a member of staff of Council who is a member of a Council Committee.

Part 5: Non-Pecuniary Conflicts of Interests



What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this Code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this Code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

[Model Code]

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of Council staff other than the General Manager, such a disclosure is to be made to the staff member's manager. In the case of the General Manager, such a disclosure is to be made to the Lord Mayor.
- 5.7 If a disclosure is made at Committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises.

This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household
 - b other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
 - d membership, as the Council's representative, of the board or management Committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council and the organisation are potentially in conflict in relation to the particular matter
 - e a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1

- f the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - a by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council or Committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.25 and 4.26.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of Council other than the General Manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the General Manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the Lord Mayor.

[Model Code]

Loss of quorum as a result of compliance with this Part

- 5.13 The Minister for Local Government may, conditionally or unconditionally, allow a Council Committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.

- 5.14 Where the Minister exempts a Committee member from complying with a requirement under this Part under clause 5.13, the Committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or secondary employment

- 5.15 The General Manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council without the approval of the Council.
- 5.16 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council that relates to the business of the Council or that might conflict with the staff member's Council duties unless they have notified the General Manager in writing of the employment, work or business and the General Manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.17 The General Manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the Council that relates to the business of the Council, or that might conflict with the staff member's Council duties.
- 5.18 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council if prohibited from doing so.
- 5.19 Members of staff must ensure that any outside employment, work or business they engage in will not:
 - a conflict with their official duties
 - b involve using confidential information or Council resources obtained through their work with the Council including where private use is permitted
 - c require them to work while on Council duty
 - d discredit or disadvantage the Council
 - e pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

[Model Code]

Personal dealings with Council

5.20 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

5.21 You must undertake any personal dealings you have with the Council in a manner that is consistent with the way other members of the community deal with the Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this Code.

[Model Code]

Former Council officials

5.22 You must not use your position to obtain opportunities for future employment.

5.23 At the end of your involvement as a staff member you must return all Council property, documents and other items and not make public or otherwise use confidential information obtained during the time of your involvement with Council.

5.24 You must be careful in your dealings with former Council officials and ensure that you do not give or appear to give favourable treatment or access to otherwise confidential information to former Council officials.

[Council protocol]

Sponsorship

5.25 Council actively seeks financial or in-kind sponsorship from a variety of sources to support specific events, promotions, services or other activities of Council. It is essential that sponsorships do not limit Council's ability to carry out its functions fully and impartially. All sponsorship arrangements must comply with Council's 'Sponsorship of Council Activities from External Sources' policy.

[Council protocol]

Part 6: Personal Benefit



- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a Council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a items with a value of \$10 or less
 - b a political donation for the purposes of the Electoral Funding Act 2018
 - c a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual Council official or someone personally associated with them
 - d benefit or facility provided by the Council to an employee
 - e attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
 - f free or subsidised meals, beverages or refreshments provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i the discussion of official business
 - ii work-related events such as Council-sponsored or community events, training, education sessions or workshops
 - iii conferences
 - iv Council functions or events
 - v social functions organised by groups, such as Council Committees and community organisations.

[Model Code]

Note: In relation to 6.2(d) in circumstances where Council is the owner of, and is responsible for the management/operation of a facility, tickets to attend events at that facility that are provided to employees are deemed to be provided by Council in its capacity as owner of the facility. This includes, but is not limited to, the Illawarra Performing Arts Centre.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable

treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

[Model Code]

- 6.5 Staff involved in procurement, tendering or sales activities for Council must not accept any gift or benefit from potential or current suppliers or buyers.

- 6.6 The offer of a gift or benefit of any value from a person in circumstances where the person is seeking the exercise of your decision making discretion or where the person has sought the exercise of your decision making discretion in the previous 12 months must be refused.

[Council protocol]

How are offers of gifts and benefits to be dealt with?

- 6.7 You must not:
- a seek or accept a bribe or other improper inducement
 - b seek gifts or benefits of any kind
 - c accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d subject to clause 6.9, accept any gift or benefit of more than token value as defined by clause 6.11
 - e accept an offer of cash or a cash-like gift as defined by clause 6.15, regardless of the amount
 - f participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer-supplier relationship with the competition organiser
 - g personally benefit from reward points programs when purchasing on behalf of the Council.

- 6.8 Where you receive an offer of a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your Manager or the General Manager in writing. The recipient, manager, or General Manager must ensure that, at a minimum, the following details are recorded in the Council's gift register:

- a the nature of the gift or benefit

- b the estimated monetary value of the gift or benefit
- c the name of the person who provided the gift or benefit, and the name of the organisation they represent where not received from an individual
- d the date on which the gift or benefit was received, and
- e whether the gift or benefit was accepted or refused.

6.9 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.

[Model Code]

Gifts and benefits of token value

6.10 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:

- a invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b gifts of alcohol that do not exceed a value of \$50
- c ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d prizes or awards that do not exceed \$50 in value.

[Model Code]

Gifts and benefits of more than token value

6.11 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.7d and, subject to clause 6.9, must not be accepted.

6.12 Gifts and benefits of more than token value include, but are not limited to:

- a tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50,
- b corporate hospitality at a corporate facility at major sporting events,
- c free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons,
- d the use of holiday homes, artworks

e free or discounted travel.

6.13 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

6.14 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

[Model Code]

"Cash-like gifts"

6.15 For the purposes of clause 6.7e, "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

[Model Code]

Improper and undue influence

6.16 You must not use your position to influence other Council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.

6.17 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.

[Model Code]

Part 7: Relationships Between Council Officials



Obligations of Councillors and Administrators

7.1 Each Council is a body politic. The Councillors or Administrator/s are the governing body of the Council. Under section 223 of the LGA, the role of the governing body of the Council includes the development and endorsement of the strategic plans, programs, strategies and policies of the Council, including those relating to workforce policy, and to keep the performance of the Council under review.

7.2 Councillors or Administrators must not:

- a direct Council staff other than by giving appropriate direction to the General Manager by way of Council or Committee resolution, or by the Lord Mayor or Administrator exercising their functions under section 226 of the LGA
- b in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council in the exercise of the functions of the staff member
- c contact a member of the staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager
- d contact or issue instructions to any of the Council's contractors, including the Council's legal advisers, unless by the Mayor or Administrator exercising their functions under section 226 of the LGA.

Obligations of staff

7.3 Under section 335 of the LGA, the role of the General Manager includes conducting the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the Council and ensuring that the Lord Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.4 Members of staff of Council must:

- a give their attention to the business of the Council while on duty

- b ensure that their work is carried out ethically, efficiently, economically and effectively
- c carry out reasonable and lawful directions given by any person having authority to give such directions
- d give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them
- e ensure that any participation in political activities outside the service of the Council does not interfere with the performance of their official duties.

[Model Code]

Inappropriate interactions

7.5 You must not engage in any of the following inappropriate interactions:

- a Councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b Council staff approaching Councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c subject to clause 8.6, Council staff refusing to give information that is available to other Councillors to a particular Councillor
- d Councillors who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council
- e Councillors being overbearing or threatening to Council staff
- f Council staff being overbearing or threatening to Councillors
- g Councillors making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this Code in public forums including social media
- h Councillors directing or pressuring Council staff in the performance of

their work, or recommendations they should make

- i Council staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community
- j Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals

[Model Code]

Part 8: Access to Information & Council Resources



Councillor and Administrator access to information

- 8.1 The General Manager is responsible for ensuring that Councillors and Administrator can access information necessary for the performance of their official functions. The General Manager and public officer are also responsible for ensuring that members of the public can access publicly available Council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The General Manager must provide Councillors and Administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of Council must provide full and timely information to Councillors and Administrators sufficient to enable them to exercise their official functions and in accordance with Council procedures.
- 8.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their official functions must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 8.5 Councillors and Administrators who have a private interest only in Council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, Councillors and Administrators who are precluded from participating in the consideration of a matter under this Code because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.

[Model Code]

Refusal of access to information

- 8.7 Where the General Manager or Public Officer determine to refuse access to information requested by a Councillor or Administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the Councillor or Administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The General

Manager or public officer must state the reasons for the decision if access is refused.

[Model Code]

Use of certain Council information

- 8.8 In regard to information obtained in your capacity as a Council official, you must:
- a subject to clause 8.13, only access Council information needed for Council business
 - b not use that Council information for private purposes
 - c not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with Council
 - d only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

[Model Code]

Use and security of confidential information

- 8.9 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.10 In addition to your general obligations relating to the use of Council information, you must:
- a only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b protect confidential information
 - c only release confidential information if you have authority to do so
 - d only use confidential information for the purpose for which it is intended to be used
 - e not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f not use confidential information with the intention to cause harm or detriment to the Council or any other person or body
 - g not disclose any confidential information discussed during a

confidential session of a Council or Committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

[Model Code]

Personal information

- 8.11 When dealing with personal information you must comply with:
- a the *Privacy and Personal Information Protection Act 1998*
 - b the *Health Records and Information Privacy Act 2002*
 - c the *Information Protection Principles and Health Privacy Principles*
 - d Council's *Privacy Management Plan*
 - e the *Privacy Code of Practice for Local Government*

[Model Code]

Use of Council resources

- 8.12 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.13 Union delegates and consultative Committee members may have reasonable access to Council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a the representation of members with respect to disciplinary matters
 - b the representation of employees with respect to grievances and disputes
 - c functions associated with the role of the local consultative Committee.
- 8.14 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.15 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.16 You must not use Council resources (including Council staff), property or

facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

- 8.17 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:
- a for the purpose of assisting your election campaign or the election campaign of others, or
 - b for other non-official purposes.

- 8.18 You must not convert any property of the Council to your own use unless properly authorised.

[Model Code]

Internet access and use of social media

- 8.19 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.

[Model Code]

- 8.20 When using social media, you must comply with the general conduct provisions of this Code.

[Council protocol]

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and Council's *Corporate Records Management* policy.
- 8.22 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the *State Records Act 1998* and Council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.

- 8.24 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's [Information Manager](#) and comply with the requirements of the *State Records Act 1998*.

[Model Code]

Information Technology

- 8.25 You must comply with Council's information security requirements as set out in the *ICT Security, Technology Acceptable Use* and *Corporate Records Management* policies in relation to the use of information technology systems.

[Council protocol]

Councillor access to Council buildings

- 8.26 Councillors and administrators are entitled to have access to the council chamber, Committee room, mayor's office (subject to availability), Councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the General Manager.
- 8.27 Councillors and Administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or their delegate) or as provided for in the procedures governing the interaction of Councillors and Council staff.
- 8.28 Councillors and Administrators must ensure that when they are within a staff only area, they refrain from conduct that could be perceived to improperly influence Council staff decisions.

[Model Code]

Part 9: Maintaining the Integrity of this Code



Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this Code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a to bully, intimidate or harass another Council official
 - b to damage another Council official's reputation
 - c to obtain a political advantage
 - d to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f to avoid disciplinary action under the Procedures
 - g to take reprisal action against a person for making a complaint alleging a breach of this Code
 - h to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i to prevent or disrupt the effective administration of this Code under the Procedures.

[Model Code]

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this Code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a injury, damage or loss
 - b intimidation or harassment

- c discrimination, disadvantage or adverse treatment in relation to employment
- d dismissal from, or prejudice in, employment
- e disciplinary proceedings.

[Model Code]

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

[Model Code]

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this Code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this Code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this Code at Council, Committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this Code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

[Model Code]

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by the General Manager are to be managed by the Office. This clause does not prevent the

Office from referring an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.

- 9.15 Complaints alleging a breach of this Part by other Council officials are to be managed by the General Manager in accordance with the Procedures.

[Model Code]

Schedule 1:

Disclosures of Interests and other Matters in Written Returns Submitted Under Clause 4.18



PART 1: PRELIMINARY

Definitions

1. For the purposes of the schedules to this Code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to

whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.18(a), the date on which a person became a designated person
- b) in the case of a return made under clause 4.18(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.18(c), the date on which the designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle,

- aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de factor partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a designated person has an interest includes a reference to any real property situated in Australia in which the designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

PART 2: PECUNIARY INTERESTS TO BE DISCLOSED IN RETURNS

Real property

5. A person making a return under clause 4.18 of this Code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.18 of this Code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or

- d) subject to paragraph (a), it was received prior to the person becoming a designated person.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.18 of this Code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.18 of this Code must disclose:
 - a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
 - a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.18 of this Code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.18 of the Code must disclose:
 - a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a designated person.

Dispositions of real property

23. A person making a return under clause 4.18 of this Code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.18 of this Code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a designated person.

Sources of income

26. A person making a return under clause 4.18 of this Code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a designated person need not be disclosed.
30. A person making a return under clause 4.18 of this Code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
31. A liability to pay a debt must be disclosed by a person in a return made under clause 4.18 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
32. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - e) subject to paragraph (a), the debt was discharged prior to the person becoming a designated person.

Debts

- 30. A person making a return under clause 4.18 of this Code must disclose the name and address of each person to whom the person was liable to pay any debt:
 - a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.

Discretionary disclosures

A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Schedule 2:

Form of Written Return if Interests Submitted Under Clause 4.18



'Disclosures by Councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the General Manager after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Councillor or designated person.
3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the General Manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the General Manager in a register of returns. The General Manager is required to table all returns at a Council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by *[full name of Councillor or designated person]*

as at *[return date]*

in respect of the period from *[date]* to *[date]*

[Designated person's signature]

[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June

Nature of interest

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
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2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
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3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
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D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
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E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
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F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
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H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

APPROVAL AND REVIEW		
Responsible Division	Governance and Customer Service	
Date/s adopted	<i>EMC</i> 3 November 2020	<i>Council</i> 16 November 2020
Date/s of previous adoptions	27/02/2019, 20/11/2017, 25/02/2013, 01/02/2011, 23/07/2008, 16/10/2007, 28/02/2005, 28/06/2004	
Date of next review	16 November 2022	

WOLLONGONG CITY COUNCIL

CODE OF CONDUCT

**COUNCIL COMMITTEE MEMBERS,
DELEGATES OF COUNCIL
AND COUNCIL ADVISERS**

ADOPTED 16 NOVEMBER 2020



STATEMENT FROM THE GENERAL MANAGER

I am pleased to introduce to you the Wollongong City Council Code of Conduct. The Executive and Senior Leadership Team of Council are strongly committed to driving a high performing organisation underpinned by robust governance practices and ethics principles. The attitudes, values, beliefs, and behaviours of our leaders and staff must support good governance. Our staff values are included in this Code and demonstrate our collective commitment to achieving the very best outcomes for our community. We are continually focused on proactively driving the highest ethical standards in our conduct and interactions and have zero-tolerance for fraud and corruption in the delivery of all our policies, processes, and projects throughout all levels of our organisation.



Protecting the reputation of the Council is vital to ensure our credibility and maintain public trust in what we do. The Code of Conduct helps all of us comply with our professional obligations and maintain high standards of ethical conduct. Everyone working with Council should expect to be treated, and must treat others, with respect, dignity and fairness. The Code does not cover every issue that may arise but provides guidance around standards of behaviour. I expect all Council employees and delegates to make themselves aware of the Code and to implement and comply with its provisions and the core values on which it is based. You are required to act both within the letter and spirit of the Code.

Greg Doyle

General Manager

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Part 1: Introduction



This Code of Conduct applies to Council Committee members and delegates of Council who are not Councillors or staff of the Council. It also applies to advisers of Council for the purposes of clause 4.12. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for Council officials. It is prescribed by regulation to assist Council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every Council (including County Councils) and Joint Organisation to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct. A Council's or Joint Organisation's adopted Code of Conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "Council officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory Committees).

A Council's or Joint Organisation's adopted Code of Conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a Council's or Joint Organisation's adopted Code of Conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, Administrators, members of staff of Councils, delegates of Councils, (including members of Council Committees that are delegates of a Council) and any other person a Council's adopted Code of Conduct applies to, must comply with the applicable provisions of their Council's Code of Conduct. It is the personal responsibility of Council officials to comply with the standards in the Code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a Council Committee member or delegate of the Council to comply with a Council's Code of Conduct may give rise to disciplinary action.

Note: References in this Code of Conduct to Councils are also to be taken as references to County Councils and Joint Organisations

Council Values

Wollongong City Council has defined organisational values to support our purpose of creating an Extraordinary Wollongong. These are :

Respect - inclusive and considerate

Sustainable - use our community's resources responsibly

Courage - challenge the norm to be better

Integrity - honest and reliable

One Team - together we deliver excellent service

Our values are not meant to be just words on a page. They are part of everything we do every day. Our values are evident in this document by graphics that represent each value appearing on the cover page and each chapter page in the Code of Conduct.

Part 2: Definitions



In this Code the following terms have the following meanings:

Committee	see the definition of "Council Committee"
Administrator Committee	an Administrator of a council appointed under the LGA other than an Administrator appointed under section 66 Committee
Committee	see the definition of "Council Committee"
complaint	a Code of Conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
Council	Wollongong City Council
Council Committee	a Committee established by Council comprising of Councillors, staff or other persons that Council has delegated functions to and Council's Audit, Risk and Improvement Committee.
Council Committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council Committee other than a wholly advisory Committee, and a person other than a Councillor who is a member of the Council's Audit, Risk and Improvement Committee.
Council official	includes Councillors, members of staff of Council, Administrators, Council Committee members, delegates of Council and, for the purposes of clause 4.16 of the Model Code of Conduct, Council advisers
Councillor	any person elected or appointed to civic office, including the Lord Mayor and includes members and chairpersons of County Councils and voting representatives of the boards of Joint Organisations and chairpersons of Joint Organisations
delegate of Council	a person (other than a Councillor or member of staff of Council) or body, and the individual members of that body, to whom a function of Council is delegated. For the purposes of this Code of Conduct, it is taken to include volunteers.
designated person	a person referred to in clause 4.8
election campaign	includes Council, state and federal election campaigns
General Manager	includes the executive officer of a Joint Organisation
Joint Organisation	a Joint Organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a County Council or a Joint Organisation
members of staff of a council	includes members of staff of County Councils and Joint Organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
wholly advisory Committee	a Council Committee that the Council has not delegated any functions to

Part 3:

General Conduct Obligations



General conduct

- 3.1 You must not conduct yourself in a manner that:
- a is likely to bring the Council or other Council officials into disrepute
 - b is contrary to statutory requirements or the Council's administrative requirements or policies
 - c is improper or unethical
 - d is an abuse of power
 - e causes, comprises or involves intimidation or verbal abuse
 - f involves the misuse of your position to obtain a private benefit
 - g constitutes harassment or bullying behaviour under this Code or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this Code, "harassment" is any form of behaviour towards a person that:
- a is not wanted by the person
 - b offends, humiliates or intimidates the person, and
 - c creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this Code, "bullying behaviour" is any behaviour in which:
- a a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and

- b the behaviour creates a risk to health and safety.

- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a aggressive, threatening or intimidating conduct
 - b belittling or humiliating comments
 - c spreading malicious rumours
 - d teasing, practical jokes or 'initiation ceremonies'
 - e exclusion from work-related events
 - f unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g displaying offensive material
 - h pressure to behave in an inappropriate manner.

Reasonable Management Action

- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying, harassment or discrimination behaviours for the purposes of this Code. Examples of reasonable management action may include, but are not limited to:
- a performance management processes
 - b disciplinary action for misconduct
 - c informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d directing a worker to perform duties in keeping with their job
 - e maintaining reasonable workplace goals and standards
 - f legitimately exercising a regulatory function
 - g legitimately implementing a Council policy or administrative processes.

Work health and safety

- 3.12 All Council officials, including Councillors and Administrators, owe statutory duties under the Work Health and Safety Act 2011 (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety. Specifically, you must:
- a take reasonable care for your own health and safety
 - b take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act, and any policies or procedures adopted by the Council to ensure workplace health and safety
 - d cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff
 - e report accidents, incidents, near misses, to the General Manager or such other staff

- member nominated by the General Manager, and take part in any incident investigations
- f so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Obligations in relation to meetings

- 3.15 You must comply with rulings by the Chair at Council and Committee meetings or other proceedings of the Council unless a motion dissenting from the ruling is passed.
- 3.16 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other Council officials or any members of the public present during Council or Committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).
- 3.17 You must not engage in conduct that disrupts Council or Committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

[Model Code]

Child protection

- 3.18 All Council officials, including Councillors, are required to support and promote the safety, wellbeing and empowerment of children under the age of 18. Specifically, you must:
 - a take all reasonable steps to protect children from harm
 - b listen and respond to the views and concerns of children, particularly if they have stated that they or another child have been harmed in any way and/or are worried about their safety or the safety of another child
 - c promote the cultural safety, participation and empowerment of Aboriginal children, and children with a disability, and with culturally or linguistically diverse backgrounds
 - d model appropriate adult behaviour in an open and transparent way

- e respect the privacy of parents and children by not disclosing personal information
- f where child abuse is suspected, ensure that children are safe and protected from harm as quickly as possible
- g encourage children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them

3.19 You must not:

- a develop any 'special' relationships with children that may be seen as favouritism or inappropriate, including through the provision of gifts, showing inappropriate attention or exhibiting improper behaviour
- b exhibit behaviours or engage in activities with children that may be construed as unnecessarily physical contact
- c put children at risk of harm
- d do things of a personal nature that a child can do for themselves such as toileting or changing clothes
- e engage in open discussions of a mature or adult nature, or use inappropriate language in the presence of children
- f express personal views on cultures, race or sexuality in the presence of children
- g discriminate against any child, including on the basis of age, gender, sexuality, race, cultural background or disability
- h ignore or disregard any concerns, suspicions or disclosures of child being harmed in any way

3.20 All Council officials, including Councillors, are required to immediately report any allegations of child abuse to Council's identified Child Protection Officer. In addition, you must:

- a Report information to the Police if you know, believe or have been informed by a child, family member or community member that a child has been abused, even if it involves another employee Council official.
- b report any breach of the Child Protection standards in this Code of Conduct Council's identified Child Protection Officer.
- c understand and comply with all reporting and/or disclosure obligations, including mandatory reporting and reportable conduct [Council protocol]

Part 4: Pecuniary Interests



What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - a your interest, or
 - b the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - a Your "relative" is any of the following:
 - i your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - b "de facto partner" has the same meaning as defined in section 21C of the Interpretation Act 1987.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
 - a if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or

- b just because the person is a member of, or is employed by, a Council or a statutory body, or is employed by the Crown, or
- c just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
 - a your interest as an elector
 - b your interest as a ratepayer or person liable to pay a charge
 - c an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Code
 - d an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Code
 - e an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f if you are a Council Committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the Council Committee
 - g an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not

exceed 10 per cent of the voting rights in the company

- h an interest you have arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the Committee) of the association, or is a partner of the partnership
 - i an interest you have arising from the making by the Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:
 - i the performance by the Council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii security for damage to footpaths or roads
 - iii any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council, or by or under any contract
 - j an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - k an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Council Committee member
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

- 4.8 Designated persons include:
- a a person who is a delegate of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a delegate and the person's private interest
 - b a person (other than a member of the senior staff of the Council) who is a member of a Committee of the Council identified by the Council as a Committee whose members are designated persons because the functions of the Committee involve the exercise of the Council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the Committee and the member's private interest.
- 4.9 A designated person:
- a must prepare and submit written returns of interests in accordance with clause 4.16, and
 - b must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the General Manager the nature of any pecuniary interest the person has in any Council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 The General Manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by Council advisers?

- 4.12 A person who, at the request or with the consent of the Council or a Council Committee, gives advice on any matter at any meeting of the Council or Committee, must disclose the nature of any pecuniary interest the person has in

the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

- 4.13 A person does not breach clause 4.12 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a Council Committee member?

- 4.14 A Council Committee member must disclose pecuniary interests in accordance with clause 4.23 and comply with clause 4.24.
- 4.15 Note: A Council Committee member identified by Council as a "designated person" for the purposes of clause 4.8(b) must also prepare and submit written returns of interests in accordance with clause 4.16.

Disclosure of interests in written returns

- 4.16 A designated person must make and lodge with the General Manager a return in the form set out in Schedule 2 to this Code, disclosing the designated person's interests as specified in schedule 1 to this Code within 3 months after:
- a becoming a designated person, and
 - b 30 June of each year, and
 - c the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.17 A person need not make and lodge a return under clause 4.16, paragraphs (a) and (b) if:
- a they made and lodged a return under that clause in the preceding 3 months, or
 - b they have ceased to be a designated person in the preceding 3 months.
- 4.18 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

- 4.19 The General Manager must keep a register of returns required to be made and lodged with the General Manager.
- 4.20 Returns required to be lodged with the General Manager under clause 4.16(a) and (b) or a register of such returns, must be tabled at the first meeting of the Council after the last day the return is required to be lodged.
- 4.21 Returns required to be lodged with the General Manager under clause 4.16(c), or a register of such returns, must be tabled at the next Council meeting after the return is lodged.
- 4.22 Information contained in returns made and lodged under clause 4.16 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.23 A Council Committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.24 The Council Committee member must not be present at, or in sight of, the meeting of the Committee:
- a at any time during which the matter is being considered or discussed by the Committee, or
 - b at any time during which the Committee is voting on any question in relation to the matter.
- 4.25 A disclosure made at a meeting of a Council Committee must be recorded in the minutes of the meeting.
- 4.26 A general notice may be given to the General Manager in writing by a Council Committee member to the effect that the Council Committee member, or the Council Committee member's spouse, de facto partner or relative, is:
- a a member of, or in the employment of, a specified company or other body, or

- b a partner of, or in the employment of,
a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the Council in which it is given (whichever is the sooner), sufficient disclosure of the Council Committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council Committee after the date of the notice.

- 4.27 A Council Committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Council Committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.28 A person does not breach clauses 4.22 or 4.23 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.29 The Minister for Local Government may, conditionally or unconditionally, allow a Council Committee member who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 4.30 A Council Committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the Committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.28, must still disclose the interest they have in the matter in accordance with clause 4.22.

[Model Code]

Part 5: Non-Pecuniary Conflicts of Interests



What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this Code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this Code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
- 5.7 If a disclosure is made at a Committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure

constitutes disclosure in writing for the purposes of clause 5.6.

- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household
 - b other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d membership, as the Council's representative, of the board or management Committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council and the organisation are potentially in conflict in relation to the particular matter

- e a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - a by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.22 and 4.23.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 Council Committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the Council Committee.

Loss of quorum as a result of compliance with this Part

- 5.13 The Minister for Local Government may, conditionally or unconditionally, allow a Council Committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the

Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.

- 5.14 Where the Minister exempts a Committee member from complying with a requirement under this Part under clause 5.13, the Committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Personal dealings with Council

- 5.15 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.16 You must undertake any personal dealings you have with the Council in a manner that is consistent with the way other members of the community deal with the Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this Code.

[Model Code]

Former Council officials

- 5.17 You must not use your position to obtain opportunities for future employment.
- 5.18 You must be careful in your dealings with former Council officials and ensure that you do not give or appear to give favourable treatment or access to otherwise confidential information to former Council officials.

[Council protocol]

Sponsorship

- 5.19 Council actively seeks financial or in-kind sponsorship from a variety of sources to support specific events, promotions, services or other activities

of Council. It is essential that sponsorships do not limit Council's ability to carry out its functions fully and impartially. All sponsorship arrangements must comply with Council's *Sponsorship of Council Activities from External Sources* policy.

[Council protocol]

Part 6: Personal Benefit



- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a Council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a items with a value of \$10 or less
 - b a political donation for the purposes of the Electoral Funding Act 2018
 - c a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual Council official or someone personally associated with them
 - d attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
 - e free or subsidised meals, beverages or refreshments provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i the discussion of official business
 - ii work-related events such as Council-sponsored or community events, training, education sessions or workshops
 - iii conferences
 - iv Council functions or events
 - v social functions organised by groups, such as Council Committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

[Model Code]

- 6.5 The offer of a gift or benefit of any value from a person in circumstances where the person is seeking the exercise of your decision-making discretion or where the person has sought the exercise of your decision-making discretion in the previous 12 months must be refused.

[Council protocol]

How are offers of gifts and benefits to be dealt with?

- 6.6 You must not:
- a seek or accept a bribe or other improper inducement
 - b seek gifts or benefits of any kind
 - c accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d subject to clause 6.8, accept any gift or benefit of more than token value as defined by clause 6.10
 - e accept an offer of cash or a cash-like gift as defined by clause 6.14, regardless of the amount
 - f participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer-supplier relationship with the competition organiser
 - g personally benefit from reward points programs when purchasing on behalf of the Council.
- 6.7 Where you receive an offer of a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to the General Manager in writing. The General Manager must ensure that, at a minimum, the following details are recorded in the Council's gift register:
- a the nature of the gift or benefit
 - b the estimated monetary value of the gift or benefit
 - c the name of the person who provided the gift or benefit and the name of the organisation they represent where not received from an individual
 - d the date on which the gift or benefit was received.
 - e whether the gift or benefit was accepted or refused.

- 6.8 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.

[Model Code]

Gifts and benefits of token value

- 6.9 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed

a value of \$50¹. They include, but are not limited to:

- a invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b gifts of alcohol that do not exceed a value of \$50
- c ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

- 6.10 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.6(d) and, subject to clause 6.8, must not be accepted.
- 6.11 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting Codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.12 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.13 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.14 For the purposes of clause 6.6(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.15 You must not use your position to influence other Council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.
- 6.16 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.

[Model Code]

Part 7: Access to Information & Council Resources



Use of certain Council information

- 7.1 In regard to information obtained in your capacity as a Council official, you must:
- a only access Council information needed for Council business
 - b not use that Council information for private purposes
 - c not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your position with Council
 - d only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 7.2 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 7.3 In addition to your general obligations relating to the use of Council information, you must:
- a only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b protect confidential information
 - c only release confidential information if you have authority to do so
 - d only use confidential information for the purpose for which it is intended to be used
 - e not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f not use confidential information with the intention to cause harm or detriment to the Council or any other person or body
 - g not disclose any confidential information discussed during a confidential session of a Council or Committee meeting or any other confidential forum (such as, but not

limited to, workshops or briefing sessions).

Personal information

- 7.4 When dealing with personal information you must comply with:
- a the *Privacy and Personal Information Protection Act 1998*
 - b the *Health Records and Information Privacy Act 2002*
 - c the Information Protection Principles and Health Privacy Principles
 - d the Council's privacy management plan
 - e the Privacy Code of Practice for Local Government

Use of Council resources

- 7.5 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.
- 7.6 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 7.7 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 7.8 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.9 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:
- a for the purpose of assisting your election campaign or the election campaign of others, or

b for other non-official purposes.

- 7.10 You must not convert any property of the Council to your own use unless properly authorised.

Internet access

- 7.11 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.

[Model Code]

- 7.12 When using social media, you must comply with the general conduct provisions of this Code.

[Council protocol]

Council record keeping

- 7.13 You must comply with the requirements of the State Records Act 1998 and the Council's records management policy.
- 7.14 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the State Records Act 1998 and the Council's approved records management policies and practices.
- 7.15 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.
- 7.16 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's records manager and comply with the requirements of the *State Records Act 1998*.

[Model Code]

Information Technology

- 7.17 You must comply with Council's information security requirements as set out in the ICT Security, Technology Acceptable Use and Corporate Records Management policies in relation to the use of information technology systems.

[Council protocol]

Part 8: Maintaining the Integrity of this Code



Complaints made for an improper purpose

- 8.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this Code for an improper purpose.
- 8.2 For the purposes of clause 8.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
 - a to bully, intimidate or harass another Council official
 - b to damage another Council official's reputation
 - c to obtain a political advantage
 - d to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f to avoid disciplinary action under the Procedures
 - g to take reprisal action against a person for making a complaint alleging a breach of this Code
 - h to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i to prevent or disrupt the effective administration of this Code under the Procedures.

Detrimental action

- 8.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this Code.
- 8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 8.5 For the purposes of clauses 8.3 and 8.4, a detrimental action is an action causing, comprising or involving any of the following:
 - a injury, damage or loss
 - b intimidation or harassment
 - c discrimination, disadvantage or adverse treatment in relation to employment

- d dismissal from, or prejudice in, employment
- e disciplinary proceedings.

Compliance with requirements under the Procedures

- 8.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 8.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 8.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

- 8.9 All allegations of breaches of this Code must be dealt with under and in accordance with the Procedures.
- 8.10 You must not allege breaches of this Code other than by way of a complaint made or initiated under the Procedures.
- 8.11 You must not make allegations about, or disclose information about, suspected breaches of this Code at Council, Committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 8.12 You must not disclose information about a complaint you have made alleging a breach of this Code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 8.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the Public Interest Disclosures Act 1994.

Complaints alleging a breach of this Part

- 8.14 Complaints alleging a breach of this Part by a Council Committee member or delegate of Council are to be managed by the General Manager in accordance with the Procedures.

[Model Code]

Schedule 1:

Disclosures of Interests and other Matters in Written Returns Submitted Under Clause 4.16



SCHEDULE 1, PART 1: PRELIMINARY

Definitions

Definitions

- 1 For the purposes of the schedules to this Code, the following definitions apply:

<i>address</i>	means:												
a	in relation to a person other than a corporation, the last residential or business address of the person known to the Councillor disclosing the address, or												
b	in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or												
c	in relation to any real property, the street address of the property. de facto partner has the same meaning as defined in section 21C of the <i>Interpretation Act 1987</i> .												
<i>disposition of property</i>	means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following: <table border="0" style="margin-left: 20px;"> <tr> <td style="vertical-align: top;">a</td> <td>the allotment of shares in a company</td> </tr> <tr> <td style="vertical-align: top;">b</td> <td>the creation of a trust in respect of property</td> </tr> <tr> <td style="vertical-align: top;">c</td> <td>the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property</td> </tr> <tr> <td style="vertical-align: top;">d</td> <td>the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property</td> </tr> <tr> <td style="vertical-align: top;">e</td> <td>the exercise by a person of a general power of appointment over property in favour of another person</td> </tr> <tr> <td style="vertical-align: top;">f</td> <td>a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.</td> </tr> </table>	a	the allotment of shares in a company	b	the creation of a trust in respect of property	c	the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property	d	the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property	e	the exercise by a person of a general power of appointment over property in favour of another person	f	a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.
a	the allotment of shares in a company												
b	the creation of a trust in respect of property												
c	the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property												
d	the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property												
e	the exercise by a person of a general power of appointment over property in favour of another person												
f	a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.												
<i>gift</i>	means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.												
<i>interest</i>	means: <table border="0" style="margin-left: 20px;"> <tr> <td style="vertical-align: top;">a</td> <td>in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or</td> </tr> <tr> <td style="vertical-align: top;">b</td> <td>in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.</td> </tr> </table>	a	in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or	b	in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.								
a	in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or												
b	in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.												
<i>listed company</i>	means a company that is listed within the meaning of section 9 of the <i>Corporations Act 2001</i> of the Commonwealth.												
<i>occupation</i>	includes trade, profession and vocation.												
<i>professional business association</i>	means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.												
<i>property</i>	includes money												
<i>return date</i>	means: <table border="0" style="margin-left: 20px;"> <tr> <td style="vertical-align: top;">a</td> <td>in the case of a return made under clause 4.9(a) , the date on which a person became a Councillor</td> </tr> </table>	a	in the case of a return made under clause 4.9(a) , the date on which a person became a Councillor										
a	in the case of a return made under clause 4.9(a) , the date on which a person became a Councillor												

- b in the case of a return made under clause 4.9(b) , 30 June of the year in which the return is made
 - c in the case of a return made under clause 4.9(c) , the date on which the Councillor became aware of the interest to be disclosed.
- relative* includes any of the following:
 - a a person's spouse or de facto partner
 - b a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - c a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - d the spouse or de facto partner of a person referred to in paragraphs (b) and (c) .
- travel* includes accommodation incidental to a journey

Matters relating to the interests that must be included in returns

- 2 *Interests etc. outside New South Wales*
A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3 *References to interests in real property:*
A reference in this schedule or in schedule 2 to real property in which a Councillor has an interest includes a reference to any real property situated in Australia in which the Councillor has an interest.
- 4 *Gifts, loans etc. from related corporations:*
For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a Councillor by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

SCHEDULE 1, PART 2: PECUNIARY INTERESTS TO BE DISCLOSED IN RETURNS

Real property

- 5 A person making a return under clause 4.15 of this Code must disclose:
 - a the street address of each parcel of real property in which they had an interest on the return date, and
 - b the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c the nature of the interest.
- 6 An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
- 7 An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a designated person.
- 8 For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

- 9 A person making a return under clause 4.15 of this Code must disclose:
 - a a description of each gift received in the period since 30 June of the previous financial year, and
 - b the name and address of the donor of each of the gifts.
- 10 A gift need not be included in a return if:
 - a it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c the donor was a relative of the donee, or

- d subject to paragraph (a), it was received prior to the person becoming a designated person.

- 11 For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

- 12 A person making a return under clause 4.15 of this Code must disclose:
 - a the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b the dates on which the travel was undertaken, and
 - c the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
- 13 A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
 - b was made by a relative of the traveller, or
 - c was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g subject to paragraph (d) it was received prior to the person becoming a designated person.

- 14 For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

- 15 A person making a return under clause 4.15 of this Code must disclose:
- a the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c the nature of the interest, or the position held, in each of the corporations, and
 - d a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
- 16 An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b required to apply its profits or other income in promoting its objects, and
 - c prohibited from paying any dividend to its members.
- 17 An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
- 18 An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a designated person.

Interests as a property developer or a close associate of a property developer

- 19 A person making a return under clause 4.15 of this Code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
- 20 For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

- 21 A person making a return under clause 4.15 of the Code must disclose:
- a the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c a description of the position held in each of the unions and associations.
- 22 A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a designated person.

Dispositions of real property

- 23 A person making a return under clause 4.15 of this Code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
- 24 A person making a return under clause 4.15 of this Code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
- 25 A disposition of real property need not be disclosed if it was made prior to a person becoming a designated person.

Sources of income

- 26 A person making a return under clause 4.15 of this Code must disclose:
- a each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b each source of income received by the person in the period since 30 June of the previous financial year.
- 27 A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a in relation to income from an occupation of the person:
 - i a description of the occupation, and
 - ii if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
- 28 The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
- 29 The source of any income received by the person that they ceased to receive prior to becoming a designated person need not be disclosed.
- 30 A fee paid to a Councillor or to the Lord Mayor or Deputy Lord Mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

- 31 A person making a return under clause 4.15 of this Code must disclose the name and

address of each person to whom the person was liable to pay any debt:

- a on the return date, and
 - b at any time in the period since 30 June of the previous financial year.
- 32 A liability to pay a debt must be disclosed by a person in a return made under clause 4.15 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
- 33 A liability to pay a debt need not be disclosed by a person in a return if:
- a the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - i the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - ii the amounts to be paid exceeded, in the aggregate, \$500, or
 - b the person was liable to pay the debt to a relative, or
 - c in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d in the case of a debt arising from the supply of goods or services:
 - i the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - ii the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - e subject to paragraph (a), the debt was discharged prior to the person becoming a designated person.

Discretionary disclosures

- 34 A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Schedule 2:

Form of Written Return if Interests Submitted Under Clause 4.16



'Disclosures by Councillors or designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the General Manager after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Councillor or designated person.
3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the General Manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the General Manager in a register of returns. The General Manager is required to table all returns at a Council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of Councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[Designated person's signature]

[Date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June

Nature of interest

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
---------------------------	--	--

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
-----------------------------	-----------------------------

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
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D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	-----------------------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

- 1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
- 2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

APPROVAL AND REVIEW		
Responsible Division	Governance and Customer Service	
Date/s adopted	<i>EMC</i> 3 November 2020	<i>Council</i> 16 November 2020
Date/s of previous adoptions	27/02/2019, 20/11/2017, 25/02/2013, 01/02/2011, 23/07/2008, 16/10/2007, 28/02/2005, 28/06/2004	
Date of next review	November 2022	

WOLLONGONG CITY COUNCIL

PROCEDURES FOR THE ADMINISTRATION OF THE

CODE OF CONDUCT

ADOPTED 16 NOVEMBER 2020



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Part 1: Introduction



These procedures ("the Model Code Procedures") are prescribed for the administration of the Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2005* ("the Regulation"). Section 440 of the LGA requires every Council (including County Councils) and Joint Organisation to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every Council (including County Councils) and Joint Organisation to adopt procedures for the administration of their Code of Conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted Codes of Conduct, Councils and Joint Organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of Code of Conduct complaints about Councillors (including the Lord Mayor) or the General Manager.

Part 2: Definitions



In this Procedure the following terms have the following meanings:

Code of Conduct	a Code of Conduct adopted under section 440 of the LGA
Code of Conduct complaint	a complaint that is a Code of Conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a Code of Conduct complaint
complainant Councillor	a Councillor who makes a Code of Conduct complaint
complaints coordinator	a person appointed by the General Manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the Code of Conduct by Councillors or the General Manager
Council Committee	a Committee established by a Council comprising of Councillors, staff or other persons that the Council has delegated functions to and the Council's Audit, Risk and Improvement Committee
Council Committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council Committee other than a wholly advisory Committee, and a person other than a Councillor who is a member of the Council's Audit, Risk and Improvement Committee
Councillor	any person elected or appointed to civic office, including the Lord Mayor, and includes members and chairpersons of county Councils and voting representatives of the boards of joint organisations and chairpersons of Joint Organisations
Council official	any Councillor, member of staff of Council, administrator, Council Committee member, delegate of Council and, for the purposes of clause 4.16 of the Model Code of Conduct, Council adviser
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
ICAC	the Independent Commission Against Corruption
LGA	the <i>Local Government Act 1993</i>
the Office	the Office of Local Government
investigator	a conduct reviewer

Part 3: Administrative Framework



The establishment of a panel of conduct reviewers

- 3.1 The Council must establish a panel of conduct reviewers.
- 3.2 The Council may enter into an arrangement with one or more other Councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the Councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the Council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a an understanding of local government, and
 - b knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
 - c knowledge and experience of one or more of the following:
 - i investigations
 - ii law
 - iii public administration
 - iv public sector ethics
 - v alternative dispute resolution, and
 - d meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a a Councillor, or
 - b a nominee for election as a Councillor, or
 - c an administrator, or
 - d an employee of a Council, or
 - e a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the Council's panel of conduct reviewers if they are a member

of another Council's panel of conduct reviewers.

- 3.8 An incorporated or other entity may be appointed to a Council's panel of conduct reviewers where the Council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The Council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the Council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the Council may be a member of subsequent panels of conduct reviewers established by the Council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a Council who is the nominated internal ombudsman of one or more Councils may be appointed to a Council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a Council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a Council's panel of conduct reviewers may also exercise the functions of the Council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a Council's complaints coordinator and has been appointed to the Council's panel of

conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.

- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a Council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The General Manager must appoint a member of staff of the Council or another person (such as, but not limited to, a member of staff of another Council or a member of staff of a joint organisation or other regional body associated with the Council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the Council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The General Manager may appoint other members of staff of the Council or other persons (such as, but not limited to, members of staff of another Council or members of staff of a joint organisation or other regional body associated with the Council), to act as alternates to the complaints coordinator.

- 3.19 The General Manager must not undertake the role of complaints coordinator.

- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.

- 3.21 The role of the complaints coordinator is to:
- a coordinate the management of complaints made under the Council's Code of Conduct
 - b liaise with and provide administrative support to a conduct reviewer
 - c liaise with the Office, and
 - d arrange the annual reporting of Code of Conduct complaints statistics.

Part 4:

How may Code of Conduct complaints be made?



What is a Code of Conduct complaint?

- 4.1 For the purpose of these procedures, a Code of Conduct complaint is a complaint that shows or tends to show conduct on the part of a Council official in connection with their role as a Council official or the exercise of their functions as a Council official that would constitute a breach of the standards of conduct prescribed under the Council's Code of Conduct if proven.
- 4.2 The following are not "Code of Conduct complaints" for the purposes of these procedures:
 - a complaints about the standard or level of service provided by the Council or a Council official
 - b complaints that relate solely to the merits of a decision made by the Council or a Council official or the exercise of a discretion by the Council or a Council official
 - c complaints about the policies or procedures of the Council
 - d complaints about the conduct of a Council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the Council's Code of Conduct.
- 4.3 Only Code of Conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a Code of Conduct complaint are to be dealt with under the Council's routine complaints management processes.

When must a Code of Conduct complaint be made?

- 4.4 A Code of Conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the General Manager or their delegate, or, in the case of a complaint about the General Manager, the Lord Mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the Code of Conduct.

How may a Code of Conduct complaint about a Council official other than the General Manager be made?

- 4.6 All Code of Conduct complaints other than those relating to the General Manager are to be made to the General Manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a Code of Conduct complaint about a Council official other than the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a Code of Conduct complaint about a Council official other than the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The General Manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the General Manager becomes aware of a possible breach of the Council's Code of Conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a Code of Conduct complaint about the General Manager be made?

- 4.11 Code of Conduct complaints about the General Manager are to be made to the Lord Mayor in writing. This clause does not operate to prevent a person from making a complaint about the General Manager to an external agency.
- 4.12 Where a Code of Conduct complaint about the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a Code of Conduct complaint about the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The Lord Mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer,

must consider the complainant's preferences in deciding how to deal with the complaint.

- 4.15 Notwithstanding clauses 4.11 and 4.12, where the Lord Mayor becomes aware of a possible breach of the Council's Code of Conduct by the General Manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

Part 5:

How may Code of Conduct complaints be managed?



Delegation by General Managers and Lord Mayors of their functions under this Part

- 5.1 A General Manager or Lord Mayor may delegate their functions under this Part to a member of staff of the Council or to a person or persons external to the Council other than an external agency. References in this Part to the General Manager or Lord Mayor are also to be taken to be references to their delegates.

Consideration of complaints by General Managers and Lord Mayors

- 5.2 In exercising their functions under this Part, General Managers and Lord Mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the General Manager or, in the case of a complaint about the General Manager, the Lord Mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a is not a Code of Conduct complaint, or
 - b subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c is trivial, frivolous, vexatious or not made in good faith, or
 - d relates to a matter the substance of which has previously been considered and addressed by the Council and does not warrant further action, or
 - e is not made in a way that would allow the alleged conduct and any alleged breaches of the Council's Code of Conduct to be readily identified.

How are Code of Conduct complaints about staff (other than the General Manager) to be dealt with?

- 5.4 The General Manager is responsible for the management of Code of Conduct complaints about members of staff of Council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct) and for determining the outcome of such complaints.
- 5.5 The General Manager must refer Code of Conduct complaints about members of staff of Council alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct to the Office.
- 5.6 The General Manager may decide to take no action in relation to a Code of Conduct complaint about a member of staff of Council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the General Manager decides to take no action in relation to a Code of Conduct complaint about a member of staff of Council, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of Conduct complaints about members of staff of Council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the Code of Conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are Code of Conduct complaints about delegates of Council, Council advisers and Council Committee members to be dealt with?

- 5.10 The General Manager is responsible for the management of Code of Conduct complaints about delegates of Council and Council Committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct) and for determining the outcome of such complaints.
- 5.11 The General Manager must refer Code of Conduct complaints about Council advisers, delegates of Council and Council Committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct to the Office.
- 5.12 The General Manager may decide to take no action in relation to a Code of Conduct complaint about a delegate of Council or a Council Committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the General Manager decides to take no action in relation to a Code of Conduct complaint about a delegate of Council or a Council Committee member, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve Code of Conduct complaints about delegates of Council or Council Committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.
- 5.15 Where the General Manager resolves a Code of Conduct complaint under clause 5.14 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the

steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.16 Sanctions for breaches of the Code of Conduct by delegates of Council and/or Council Committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
 - a censure
 - b requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the General Manager
 - c prosecution for any breach of the law
 - d removing or restricting the person's delegation
 - e removing the person from membership of the relevant Council Committee.
- 5.17 Prior to imposing a sanction against a delegate of Council or a Council Committee member under clause 5.16, the General Manager or any person making enquiries on behalf of the General Manager must comply with the requirements of procedural fairness. In particular:
 - a the substance of the allegation (including the relevant provision/s of the Council's Code of Conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b the person must be given an opportunity to respond to the allegation, and
 - c the General Manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are Code of Conduct complaints about administrators to be dealt with?

- 5.18 The General Manager must refer all Code of Conduct complaints about administrators to the Office for its consideration.
- 5.19 The General Manager must notify the complainant of the referral of their complaint in writing.

How are Code of Conduct complaints about Councillors to be dealt with?

- 5.20 The General Manager must refer the following Code of Conduct complaints about Councillors to the Office:

- a complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct
 - b complaints alleging a failure to comply with a requirement under the Code of Conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c complaints alleging a breach of the provisions relating to the maintenance of the integrity of the Code of Conduct contained in Part 9 of the Code of Conduct
 - d complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the General Manager refers a complaint to the Office under clause 5.20, the General Manager must notify the complainant of the referral in writing.
- 5.22 The General Manager may decide to take no action in relation to a Code of Conduct complaint about a Councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the General Manager decides to take no action in relation to a Code of Conduct complaint about a Councillor, the General Manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve Code of Conduct complaints about Councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.
- 5.25 Where the General Manager resolves a Code of Conduct complaint under clause
- 5.24 to the General Manager's

satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.26 The General Manager must refer all Code of Conduct complaints about Councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are Code of Conduct complaints about the General Manager to be dealt with?

- 5.27 The Lord Mayor must refer the following Code of Conduct complaints about the General Manager to the Office:
- a complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct
 - b complaints alleging a breach of the provisions relating to the maintenance of the integrity of the Code of Conduct contained in Part 9 of the Code of Conduct
 - c complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the Lord Mayor refers a complaint to the Office under clause 5.27, the Lord Mayor must notify the complainant of the referral in writing.
- 5.29 The Lord Mayor may decide to take no action in relation to a Code of Conduct complaint about the General Manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the Lord Mayor decides to take no action in relation to a Code of Conduct complaint about the General Manager, the Lord Mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the Lord Mayor considers it to be practicable and appropriate to do so, the Lord Mayor may seek to resolve Code of Conduct complaints about the General Manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not

limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.

- 5.32 Where the Lord Mayor resolves a Code of Conduct complaint under clause 5.31 to the Lord Mayor's satisfaction, the Lord Mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The Lord Mayor must refer all Code of Conduct complaints about the General Manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the General Manager and the Lord Mayor to be dealt with?

- 5.34 Where the General Manager or Lord Mayor receives a Code of Conduct complaint that alleges a breach of the Code of Conduct by both the General Manager and the Lord Mayor, the General Manager or Lord Mayor must either:
- a delegate their functions under this part with respect to the complaint to a member of staff of the Council other than the General Manager where the allegation is not serious, or to a person external to the Council, or
 - b refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of Code of Conduct complaints to external agencies

- 5.35 The General Manager, Lord Mayor or a conduct reviewer may, at any time, refer a Code of Conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The General Manager, Lord Mayor or a conduct reviewer must report to the ICAC any matter that they suspect on

reasonable grounds concerns or may concern corrupt conduct.

- 5.37 Where the General Manager, Lord Mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the Council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a the complainant consents in writing to the disclosure, or
 - b it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to Code of Conduct complaints made by Councillors about other Councillors or the General Manager.
- 5.41 Where a Councillor makes a Code of Conduct complaint about another Councillor or the General Manager, and the complainant Councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant Councillor under clause 5.41 must be made at the time they make a Code of Conduct complaint and must state the grounds upon which the request is made.

- 5.43 The General Manager or Lord Mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant Councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant Councillor makes a request under clause 5.41, the General Manager or Lord Mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the Councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of Conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the Public Interest Disclosures Act 1994. Code of Conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the Council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a Councillor makes a Code of Conduct complaint about another Councillor or the General Manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant Councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant Councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the General Manager or the Lord Mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.48 The General Manager may request in writing that the Office enter into a special complaints management arrangement with the Council in relation to Code of Conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter

into a special complaints management arrangement if it is satisfied that the number or nature of Code of Conduct complaints made by or about a person or persons has:

- a imposed an undue and disproportionate cost burden on the Council's administration of its Code of Conduct, or
 - b impeded or disrupted the effective administration by the Council of its Code of Conduct, or
 - c impeded or disrupted the effective functioning of the Council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a the Code of Conduct complaints the arrangement relates to, and
 - b the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the Code of Conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a Code of Conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the General Manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

Part 6:

Preliminary Assessment of Code of Conduct complaints about Councillors or the General Manager by conduct reviewers



Referral of Code of Conduct complaints about Councillors or the General Manager to conduct reviewers

- 6.1 The complaints coordinator must refer all Code of Conduct complaints about Councillors or the General Manager that have not been referred to an external agency or declined or resolved by the General Manager, Lord Mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the General Manager or the Lord Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
 - a a panel of conduct reviewers established by the Council, or
 - b a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a Code of Conduct complaint where:
 - a they have a conflict of interest in relation to the matter referred to them, or
 - b a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c they or their employer has entered into one or more contracts with the Council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
- d at the time of the referral, they or their employer are the Council's legal service provider or are a member of a panel of legal service providers appointed by the Council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the Code of Conduct complaint and any other information relevant to the matter held by the Council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:

- a comply with these procedures in their consideration of the matter, or
 - b comply with a lawful and reasonable request by the complaint's coordinator, or
 - c exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.
- Preliminary assessment of Code of Conduct complaints about Councillors or the General Manager by a conduct reviewer**
- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaint's coordinator:
 - a to take no action
 - b to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c to refer the matter back to the General Manager or, in the case of a complaint about the General Manager, the Lord Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d to refer the matter to an external agency
 - e to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a Code of Conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a Code of Conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the

relevant agency, that it would not be appropriate for them to do so.

- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:

- a that the complaint is a Code of Conduct complaint for the purposes of these procedures, and
- b that the alleged conduct is sufficiently serious to warrant the formal censure of a Councillor under section 440G of the LGA or disciplinary action against the General Manager under their contract of employment if it were to be proven, and
- c that the matter is one that could not or should not be resolved by alternative means.

- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a Councillor under section 440G of the LGA or disciplinary action against the General Manager under their contract of employment, the conduct reviewer is to consider the following:

- a the harm or cost that the alleged conduct has caused to any affected individuals and/or the Council
- b the likely impact of the alleged conduct on the reputation of the Council and public confidence in it
- c whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
- d any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.

- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult

with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the General Manager or Lord Mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the General Manager or to the Lord Mayor to be resolved by alternative and appropriate means, they must write to the General Manager or, in the case of a complaint about the General Manager, to the Lord Mayor, recommending the means by which the complaint may be resolved.

- 6.27 The conduct reviewer must consult with the General Manager or Lord Mayor prior to referring a matter back to them under clause 6.13(c).

- 6.28 The General Manager or Lord Mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.

- 6.29 Where the conduct reviewer refers a matter back to the General Manager or Lord Mayor under clause 6.13(c), the General Manager or, in the case of a complaint about the General Manager, the Lord Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

- 6.30 Where the conduct reviewer refers a matter back to the General Manager or Lord Mayor under clause 6.13(c), the General Manager, or, in the case of a complaint about the General Manager, the Lord Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:

- a whether the complaint is a Code of Conduct complaint for the purpose of these procedures

- b whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the Council's Code of Conduct
- c whether the complaint is trivial, frivolous, vexatious or not made in good faith
- d whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the Code of Conduct
- e whether the complaint raises issues that would be more appropriately dealt with by an external agency
- f whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
- g whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- h whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i any previous proven breaches of the Council's Code of Conduct
- j whether the conduct complained of forms part of an ongoing pattern of behaviour
- k whether there were mitigating circumstances giving rise to the conduct complained of
- l the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m the significance of the conduct or the impact of the conduct for the Council
- n how much time has passed since the alleged conduct occurred
- o such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

Part 7:

Investigations of Code of Conduct complaints about Councillors or the General Manager



What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a Code of Conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the Code of Conduct that are not related to or do not arise from the Code of Conduct complaint that has been referred to them, they are to report the matters separately in writing to the General Manager, or, in the case of alleged conduct on the part of the General Manager, to the Lord Mayor.
- 7.3 The General Manager or the Lord Mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new Code of Conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a disclose the substance of the allegations against the respondent, and
 - b advise of the relevant provisions of the Code of Conduct that apply to the alleged conduct, and
 - c advise of the process to be followed in investigating the matter, and
 - d advise the respondent of the requirement to maintain confidentiality, and
 - e invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f provide the respondent the opportunity to address the investigator on the matter within

such reasonable time specified in the notice.

- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the complainant, the complaints coordinator and the Lord Mayor. The notice must:
 - a advise them of the matter the investigator is investigating, and
 - b in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the

investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.

- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
 - a resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b refer the matter to the General Manager, or, in the case of a complaint about the General Manager, to the Lord Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a Code of Conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.
- 7.23 Where an investigator determines to exercise any of the options under

clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the respondent, the complainant, the complaints coordinator and the Lord Mayor, discontinue their investigation of the matter.

- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to

their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
 - a make findings of fact in relation to the matter investigated, and,
 - b make a determination that the conduct investigated either,
 - i constitutes a breach of the Code of Conduct, or
 - ii does not constitute a breach of the Code of Conduct, and
 - c provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
 - a a description of the allegations against the respondent

- b the relevant provisions of the Code of Conduct that apply to the alleged conduct investigated
 - c a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e a description of any attempts made to resolve the matter by use of alternative means
 - f the steps taken to investigate the matter
 - g the facts of the matter
 - h the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i the investigator's determination and the reasons for that determination
 - j any recommendations.
- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the Code of Conduct, the investigator may recommend:
 - a in the case of a breach by the General Manager, that disciplinary action be taken under the General Manager's contract of employment for the breach, or
 - b in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the LGA, or
 - c in the case of a breach by a Councillor, that the Council resolves as follows:
 - i that the Councillor be formally censured for the breach under section 440G of the LGA, and
 - ii that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the Code of Conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the Council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the Code of Conduct, the investigator may recommend:
 - a that the Council revise any of its policies, practices or procedures
 - b that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
 - a the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b the investigator's determination and the reasons for that determination
 - c any recommendations, and
 - d such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the Code of Conduct, the complaints coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the Genera

Manager's conduct, to the Lord Mayor, and this will finalise consideration of the matter under these procedures.

- 7.44 Where the investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary Council meeting for the Council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary Council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the Council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the Council under clause 7.44.

Consideration of the final investigation report by Council

- 7.46 The role of the Council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the Code of Conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The Council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a Councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant Councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the Code of Conduct.
- 7.49 Prior to imposing a sanction, the Council must provide the respondent with an opportunity to make a submission to the Council. A submission may be made orally or in

writing. The respondent is to confine their submission to addressing the investigator's recommendation.

- 7.50 Once the respondent has made their submission, they must absent themselves from the meeting and, where they are a Councillor, take no part in any discussion or voting on the matter.
- 7.51 The Council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the Council may by resolution:
- a request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b seek an opinion from the Office in relation to the report.
- 7.53 The Council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the Council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The Council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A Council may by resolution impose one of the following sanctions on a respondent:
- a in the case of a breach by the General Manager, that disciplinary action be taken under the General Manager's contract of employment for the breach, or

- b in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the LGA, or
 - c in the case of a breach by a Councillor:
 - i that the Councillor be formally censured for the breach under section 440G of the LGA, and
 - ii that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the Council censures a Councillor under section 440G of the LGA, the Council must specify in the censure resolution the grounds on which it is satisfied that the Councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the Council considers may be relevant or appropriate.
- 7.60 The Council is not obliged to adopt the investigator's recommendation. Where the Council proposes not to adopt the investigator's recommendation, the Council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the Council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the Council's decision and the reasons for it.

Part 8: Oversight and rights of review



The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a Council's Code of Conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the Code of Conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the Council, to defer taking further action in relation to a matter under consideration under the Council's Code of Conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The General Manager or their delegate must refer Code of Conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The General Manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The General Manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.

- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
 - a that the investigator has failed to comply with a requirement under these procedures, or
 - b that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the Code of Conduct, or
 - c that in imposing its sanction, the Council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the Council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide

- the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the Council to defer any action to implement a sanction. The Council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the Council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 8.20 Where the Office recommends that the decision to impose a sanction be reviewed:
- a the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary Council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary Council meeting following the election, and
 - b the Council must:
 - i review its decision to impose the sanction, and
 - ii consider the Office's recommendation in doing so, and
 - iii resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.21 Where, having reviewed its previous decision in relation to a matter under clause 8.20(b), the Council resolves to reaffirm its previous decision, the Council must state in its resolution its reasons for doing so.

Part 9: Procedural irregularities



9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the Code of Conduct, except as may be otherwise specifically provided under the Code of Conduct.

9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:

- a the non-compliance is isolated and/or minor in nature, or
- b reasonable steps are taken to correct the non-compliance, or
- c reasonable steps are taken to address the consequences of the non-compliance.

Part 10: Practice directions



- | | |
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| <p>10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.</p> <p>10.2 The Office will issue practice directions in writing, by circular to all Councils.</p> | <p>10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.</p> |
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Part 11:

Reporting statistics on Code of Conduct complaints about Councillors and the General Manager



- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the Council within 3 months of the end of September of each year:
- a the total number of Code of Conduct complaints made about Councillors and the General Manager under the Code of Conduct in the year to September (the reporting period)
 - b the number of Code of Conduct complaints referred to a conduct reviewer during the reporting period
 - c the number of Code of Conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d the number of Code of Conduct complaints investigated by a conduct reviewer during the reporting period
 - e without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
 - f the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
 - g the total cost of dealing with Code of Conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs.
- 11.2 The Council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

Part 12: Confidentiality



- 12.1 Information about Code of Conduct complaints and the management and investigation of Code of Conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a Code of Conduct complaint they have made or purported to make, the General Manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future Code of Conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the General Manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the General Manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the General Manager or their delegate.
- 12.5 The General Manager or their delegate must give written notice of a determination made under clause 12.2 to:
 - a the complainant
 - b the complaints coordinator
 - c the Office, and
 - d any other person the General Manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a Code of Conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the General Manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to Council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

APPROVAL AND REVIEW		
Responsible Division	Governance and Customer Service	
Date/s adopted	<i>EMC</i> 3 November 2020	<i>Council</i> 16 November 2020
Date/s of previous adoptions	27/02/2019, 20/11/2017, 25/02/2013, 01/02/2011, 23/07/2008, 16/10/2007, 28/02/2005, 28/06/2004	
Date of next review	November 2022	

ITEM 9 2022 COUNCIL MEETING CYCLE

Council meetings and Councillor Briefing Sessions have traditionally been held on a Monday on a three-weekly meeting cycle, with Councillor Briefing Sessions being held on the second and third Monday of that cycle. Council meetings and Councillor Briefing Sessions from January to June 2022 were adopted by Council on 2 August 2021. This report recommends a continuation of that meeting cycle and proposes a set of meeting dates from July to December 2022 for adoption by Council.

RECOMMENDATION

Council adopt the Ordinary Council Meeting dates as detailed in this report.

REPORT AUTHORISATIONS

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

ATTACHMENTS

- 1 Proposed 2022 Council Meeting Cycle

BACKGROUND

In accordance with the Local Government Act 1993, *Council is required to meet at least ten times each financial year, each time in a different month.*

Council meetings have traditionally been held on a Monday with Ordinary Council meetings held on a three (3) weekly cycle on Mondays, commencing at 6.00 pm and no Council meetings held during school holiday period (government schools).

In addition to Council meetings, Councillor briefings are held regularly throughout the year when Councillors are required to be briefed on significant matters prior to the reports coming before Council.

PROPOSAL

This report recommends adopting a set of meeting dates consistent with the current three-week cycle; however Council may amend the meeting cycle at any time by future resolution. The Following Council Meeting dates are recommended for adoption for the period of July to December 2022:

Monday 18 July 2022
Monday 8 August 2022
Monday 29 August 2022
Monday 12 September 2022
Monday 17 October 2022
Monday 7 November 2022
Monday 28 November 2022
Monday 12 December 2022

The 2022 UCI Road World Championships are scheduled to occur in Wollongong between 18-25 September, 2022. Due to the impact of road closures and Council involvement in events during that week no Council meetings have been scheduled in this period.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal “We are a connected and engaged community”. It specifically delivers on core business activities as detailed in the Governance and Customer Service Business Plan 2021-2022.

CONCLUSION

The recommended set of meeting dates is consistent with the current three-week cycle and meets the requirements under the Local Government Act 1993.

2022

January						
Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
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20	21	22	23	24	25	26
27	28					

March						
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20	21	22	23	24	25	26
27	28	29	30	31		

April						
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24	25	26	27	28	29	30

May						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June						
Su	M	Tu	W	Th	F	Sa
				1	2	3
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September						
Su	M	Tu	W	Th	F	Sa
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25	26	27	28	29	30	

October						
Su	M	Tu	W	Th	F	Sa
						1
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Council Meetings
 Public Holidays
 School Holidays
 LGNSW Special Conference / National General Assembly

ITEM 10

APPOINTMENT OF COUNCILLOR DELEGATES TO EXTERNAL COMMITTEES AND EXTERNAL GROUPS

Council is represented on, or participates in, a number of external groups and organisations. Councillors are appointed by resolution of Council to the external organisations listed in the attachment to this report. This generally occurs on an annual basis in September of each year; however the delayed elections will require a different term of appointment on this occasion.

This report identifies the external organisations that require the appointment of Councillor Representatives.

RECOMMENDATION

- 1 Council determine the appropriate period for Councillor Representatives to be appointed to external organisations for external organisations noted in Attachment 1 with a term "To be determined by Council"
- 2 Councillor Representatives be appointed to the external organisations listed in Attachment 1 where the number of nominations equals the number of available appointments.
- 3 Elections be held to fill any remaining vacancies, with the elections to be conducted by open means on a show of hands.
- 4 The General Manager be authorised to appoint staff to any external committees that have vacancies following the election of Councillors.

REPORT AUTHORISATIONS

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

ATTACHMENTS

- 1 External Committees and External Organisations - Nominations

BACKGROUND

Councillors have been provided with the opportunity to submit nominations for the various external organisations to which they wish to be appointed. Any nominations received as at the date of publishing of this report have been noted in the attached listing of required Councillor appointments. The shading in Attachment 1 indicates where action is required by Council to undertake a vote or where additional councillors are required for nomination. An updated listing will be distributed to Councillors prior to the meeting, if required. Further nominations can be made from the floor when considering this item.

Clause 11.5 of Council's adopted Code of Meeting Practice stipulates that voting in an election at a Council meeting, other than an election for Deputy Lord Mayor, is to be by open means such as by voice or a show of hands.

A separate process will be undertaken for the appointment of Councillor representatives to Council's internal committees and reference groups.

PROPOSAL

Council's *Appointment of Councillor Delegates to Committees Policy* states that Councillors are appointed annually unless otherwise determined by Resolution of Council. However delays in the conduct of Council elections have resulted in a Council term of only 2 years 9 months, which does not allow the traditional approach of a series of appointments of 1 year duration reviewed on an annual basis

To align with future Council and Deputy Mayoral election processes that generally occur in September, Council has the following options in determining the term of appointments of external delegates:

- Term for the period up to September 2022 (7 months), which will result in the opportunity for two additional annual elections of external delegates prior to the September 2024 Council elections
- Term for the period up to September 2023 (1 year 7 months), which will result in one additional election of external delegates prior to the September 2024 Council elections

In determining the appropriate duration of appointments Council should consider the significant fiduciary and other responsibilities that accompany appointments to a number of external organisations, and the timeframes that may be required to familiarise with these requirements as well effectively participate in the meetings of each organisation.

CivicRisk Mutual

In addition to the external organisations listed in the attachment, Council is also a member of CivicRisk Mutual. CivicRisk Mutual is an insurance provider for 24 Councils across NSW. As part of its membership, Council is entitled to two member representatives to participate in the Members Assembly.

The Members Assembly provides operational discussion regarding insurance procurement and claims management, as well as providing guidance to member councils regarding good governance principles for an effective enterprise-wide risk management framework.

The Lord Mayor is a Director of CivicRisk Mutual. Board members are appointed by an election process conducted via CivicRisk members and not via direct nomination by Council.

Council is represented on the Members Assembly by the Lord Mayor as a Director and by Council's Manager Governance and Customer Service who has direct responsibility for all insurance and risk management related matters for Council.

CONSULTATION AND COMMUNICATION

The Lord Mayor and Councillors have been provided with details of the various external organisations that require appointments of Councillor representation and have been provided the opportunity to submit nominations to the organisations for which they wish to be appointed.

PLANNING AND POLICY IMPACT

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

It specifically delivers on core business activities as detailed in the Governance and Customer Service Business Plan 2021-22.

FINANCIAL IMPLICATIONS

Councillor representatives appointed to some external organisations and committees may incur travel and/or overnight accommodation expenses for attendance at quarterly or annual meetings. Such expenses are accounted for within the Councillors' annual budgets. These organisations and committees include, but may not be limited to the following:

- Association of Mining Related Councils
- CivicRisk Mutual Ltd
- Lachlan Regional Transport Committee
- South East Australian Transport Strategy.

Other expenses incurred may include travel to and from meetings, parking fees or incidental expenses incurred while attending meetings.

CONCLUSION

It is appropriate for Council to proceed to appoint Councillor Representatives to the external groups listed in the report to ensure that Council's interests are appropriately represented.

21 February 2022

COUNCILLOR APPOINTMENTS TO EXTERNAL BOARD/COMMITTEES



ORGANISATION	COUNCILLOR REQUIREMENT	TERM	2021 Delegates	Nominees 2022	2022 Council Appointees
ADVISORY COMMITTEES					
AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)					
<p>The Audit, Risk and Improvement Committee (ARIC) is the primary oversight committee of Council and was established to promote the good corporate governance of Council.</p> <p>The Lord Mayor is unable to be a voting member of the Committee.</p> <p>There is also three independent members appointed by Council. The next vacancy for independent members arises in September 2022.</p> <p>Meeting frequency: Quarterly</p>	<ul style="list-style-type: none"> Two Councillor delegates 	<p>To be determined by Council</p>	<ul style="list-style-type: none"> Cr Mithra Cox Cr Dom Figliomeni 	<ul style="list-style-type: none"> Cr Tania Brown Cr Dom Figliomeni 	<ol style="list-style-type: none"> 1. 2.
PERFORMANCE REVIEW COMMITTEE					
<p>The Performance Review Committee is responsible for conducting performance reviews of the General Manager on an annual basis and report the findings and recommendations of those reviews to Council.</p> <p>In addition to the Councillors resolved as members of the Committee, one additional Councillor may be nominated by the GM (Optional).</p> <p>Meeting frequency: As required in accordance with the performance review timetable</p>	<ul style="list-style-type: none"> Lord Mayor (Chairperson) Deputy Lord Mayor (as elected by Council) One Councillor appointed by Council 	<p>Term of Council</p>	<ul style="list-style-type: none"> Cr Gordon Bradbery (LM) Cr Tania Brown (DLM) Cr Mithra Cox (Council appointment) 	<ul style="list-style-type: none"> Cr Gordon Bradbery (LM) Cr Tania Brown (DLM) Cr Mithra Cox 	<ol style="list-style-type: none"> 1. Cr Gordon Bradbery (LM) 2. Cr Tania Brown (DLM) 3.

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COUNCILLOR APPOINTMENTS TO EXTERNAL BOARD/COMMITTEES



EXTERNAL ORGANISATIONS

ASSOCIATION OF MINING AND ENERGY RELATED COUNCILS

<p>The Association of Mining and Energy Related Councils (MERC) represents mining and energy related councils and their communities throughout New South Wales.</p> <p>The Association's mission is to advocate on behalf of members (21 member councils) and their communities on mining and energy related issues and to ensure that mining activity is conducted in accordance with the principles of Ecologically Sustainable Development.</p> <p>Meeting frequency: Quarterly</p>	<ul style="list-style-type: none"> Two delegates from each member Council 	<p>To be determined by Council</p>	<ul style="list-style-type: none"> Cr Dom Figliomeni Cr Cath Blakey 	<ul style="list-style-type: none"> Cr Dom Figliomeni Cr Cath Blakey 	<p>1. 2.</p>
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DESTINATION WOLLONGONG

<p>Destination Wollongong, enabled by the strategic long-term support of Wollongong City Council, is charged with delivering visitor economy growth by positioning Wollongong and surrounds as the premier regional tourism, events and conference destination.</p> <p>Meeting frequency: Bi-Monthly</p>	<ul style="list-style-type: none"> Council is entitled to appoint up to three directors from staff or councillors. It is recommended that one Councillor be appointed to the Board, and the remaining two places be filled by staff as selected by the General Manager 	<p>To be determined by Council</p>	<ul style="list-style-type: none"> Cr Leigh Colacino Renee Campbell 	<ul style="list-style-type: none"> Cr Cameron Walters 	<p>1.</p>
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FLOODPLAIN MANAGEMENT AUSTRALIA

<p>Floodplain Management Australia (FMA) is the peak national body for flood risk practitioners in Australia. FMA promotes wise management of development on floodplains and community awareness of flood-related issues, helping to reduce the risks of flooding to life and property. FMA represents the interests of Members at local, state and federal</p>	<ul style="list-style-type: none"> Two delegates from each member Council. It is recommended that one Councillor be appointed and the remaining place be filled by a staff member selected by the General Manager 	<p>To be determined by Council</p>	<ul style="list-style-type: none"> Cr Janice Kershaw 	<ul style="list-style-type: none"> Cr Elisha Aitken 	<p>1.</p>
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COUNCILLOR APPOINTMENTS TO EXTERNAL BOARD/COMMITTEES



government levels.

This is for attendance at members meetings not a Board or Committee appointment.

Meeting frequency: Quarterly

HEALTHY CITIES ILLAWARRA BOARD

Responsible for the control and management of Healthy Cities Illawarra Incorporated and assists with improved collaboration between Healthy Cities Illawarra and Councils.

Meeting frequency: Bi-monthly

- Lord Mayor or their delegate

Term of Council

- Cr Gordon Bradbery (LM)

- Cr Cath Blakey

1.

ILLAWARRA BUSHFIRE MANAGEMENT COMMITTEE

A Bush Fire Management Committee (BFMC) provides a forum for cooperative and coordinated bushfire management in a local area. It also provides for community involvement in the Bush Fire Risk Management process and assists the Bush Fire Coordinating Committee to consider issues relevant to the protection of life, property and the environment from bushfires.

BFMCs are responsible for preparing, coordinating, reviewing and monitoring the Plan of Operations and Bush Fire Risk Management Plan for their area. They assist in the coordination of bush fire detection, mitigation, control and suppression.

Meeting frequency: Quarterly

- a person nominated by each local authority whose area comprises land in the Bush Fire Management Committee's area, being (in the case of a local authority that is a council) the Mayor, or a councillor or senior representative of the council (*Rural Fire Regulation 2013, s14*)

To be determined by Council

- Cr Ann Martin

- Cr Cath Blakey

1.

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COUNCILLOR APPOINTMENTS TO EXTERNAL BOARD/COMMITTEES



ILLAWARRA DISTRICT WEEDS AUTHORITY (IDWA)

<p>IDWA is a regulatory association of Kiama, Shellharbour and Wollongong Councils aimed at the control of all declared noxious weeds within the Wollongong-Shellharbour-Kiama boundary limits. The IDWA reports to the Illawarra Shoalhaven Joint Organisation.</p> <p>Meeting frequency: Quarterly</p>	<ul style="list-style-type: none"> One Councillor 	<p>To be determined by Council</p>	<ul style="list-style-type: none"> Cr Cath Blakey 	<ul style="list-style-type: none"> Cr Cath Blakey 	<p>1.</p>
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ILLAWARRA ITEC LIMITED BOARD

<p>Illawarra ITeC was established in 1988 and provides extensive services to cater to a diverse range of clients including business, industry and government, youth at risk, people with disabilities, indigenous and disadvantaged jobseekers including homeless people and has extensive involvement with programs and partners throughout the Illawarra, Shoalhaven, Far South Coast, Southern Highlands & Macarthur areas.</p> <p>Meeting frequency: Bi Monthly</p>	<ul style="list-style-type: none"> One Delegate from the "Council of the City of Wollongong". 	<p>To be determined by Council</p>	<ul style="list-style-type: none"> Cr Cameron Walters 	<ul style="list-style-type: none"> Cr Cameron Walters 	<p>1.</p>
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ILLAWARRA PERFORMING ARTS CENTRE BOARD

<p>Manage the operation of the Illawarra Performing Arts Centre.</p> <p>Meeting frequency: Bi-monthly</p>	<ul style="list-style-type: none"> Three Directors appointed by Council, at least one of which must be an employee of Council It is recommended that one Councillor be appointed to the Board, and the remaining two places be filled by staff as selected by the General Manager 	<p>To be determined by Council</p>	<ul style="list-style-type: none"> Cr Tania Brown Cr Leigh Colacino (resigned 4 December 2021) Kerry Hunt Brian Jenkins (appointed after Cr Colacino resignation) 	<ul style="list-style-type: none"> Cr Richard Martin Cr Gordon Bradbery (LM) 	<p>1.</p>
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COUNCILLOR APPOINTMENTS TO EXTERNAL BOARD/COMMITTEES



ILLAWARRA SHOALHAVEN JOINT ORGANISATION (ISJO)

<p>ISJO consists of four member councils being Kiama, Shellharbour, Shoalhaven and Wollongong.</p> <p>ISJO's core functions are:</p> <ul style="list-style-type: none"> regional strategic planning, including high level planning across the quadruple bottom line inter-governmental collaboration, working closely with the NSW Government as well as the Australian Government, other councils and Joint Organisations regional leadership and advocacy, as the preminent regional voice for councils and communities <p>Meeting frequency: Quarterly</p>	<ul style="list-style-type: none"> Lord Mayor is a delegate defined in the ISJO Charter One Councillor 	Term of Council	<ul style="list-style-type: none"> Lord Mayor Cr David Brown 	<ul style="list-style-type: none"> Cr Gordon Bradbery (LM) Cr David Brown Cr Ann Martin 	<ol style="list-style-type: none"> Cr Gordon Bradbery (LM)
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ILLAWARRA SPORTS STADIUM LIMITED

<p>The Board looks after the management, policy, development and operation of the Indoor Sports complex at Fred Finch Park, Berkeley.</p> <p>Meeting frequency: Quarterly</p>	<ul style="list-style-type: none"> One delegate of Council 	To be determined by Council	<ul style="list-style-type: none"> Cr Tania Brown 	<ul style="list-style-type: none"> Cr Linda Campbell 	<ol style="list-style-type: none">
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ILLAWARRA ZONE LIAISON COMMITTEE - RURAL FIRE SERVICE

<p>This committee reviews the performance criteria set out in the Illawarra Zone RFS Management Plan and the Service Level Agreement between Council and the RFS.</p> <p>Meeting frequency: Quarterly</p>	<ul style="list-style-type: none"> One Councillor 	To be determined by Council	<ul style="list-style-type: none"> Cr Cath Blakey 	<ul style="list-style-type: none"> Cr Cath Blakey 	<ol style="list-style-type: none">
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COUNCILLOR APPOINTMENTS TO EXTERNAL BOARD/COMMITTEES



LACHLAN REGIONAL TRANSPORT COMMITTEE

<p>The Committee's aim is to establish the most efficient and fair transport system covering all means of transport for freight and people in the State of New South Wales.</p> <p>The Lachlan Regional Transport Committee was established in 1983. It draws its membership from the outskirts of Sydney through the Central West of New South Wales to Dubbo, Parkes and Cootamundra. Members include fifteen local government councils and the Port of Port Kembla.</p> <p>Meeting frequency: Quarterly</p>	<ul style="list-style-type: none"> • Lord Mayor – Delegate • One Councillor Alternate Delegate 	<p>To be determined by Council</p>	<ul style="list-style-type: none"> • Cr Gordon Bradbery (LM) • Cr Dom Figliomeni (Alternate) 	<ul style="list-style-type: none"> • Cr Gordon Bradbery (LM) • Cr Dom Figliomeni 	<ol style="list-style-type: none"> 1. Cr Gordon Bradbery (LM) 2. Alternate
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PUBLIC LIBRARIES NSW SE ZONE

<p>An operational group which enables those Councils and public library services in the Southeast Region (who are members) meet on a regular basis for common purposes and discuss operational matters. It represents the interests of library users and staff of and has a vital interest in improving library services and access to information resources for all people living in South East Library Zone Region.</p> <p>This is a subgroup of the NSW Public Libraries Association.</p> <p>Meeting frequency: Quarterly</p>	<ul style="list-style-type: none"> • Two delegates from Council. • It is recommended that one Councillor be appointed and the remaining place be filled by a staff member selected by the General Manager 	<p>To be determined by Council</p>	<ul style="list-style-type: none"> • Cr Jenelle Rimmer • Mark Norman 	<ul style="list-style-type: none"> • Cr Richard Martin 	<ol style="list-style-type: none"> 1.
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21 February 2022

COUNCILLOR APPOINTMENTS TO EXTERNAL BOARD/COMMITTEES



SHELLHARBOUR AIRPORT MANAGEMENT ADVISORY COMMITTEE

<p>Committee of Shellharbour City Council. To advise on policy and strategies to encourage business growth and development at the airport and to strengthen the airport's role in providing transport services, tourism and business opportunities within the region.</p> <p>Meeting frequency: As required</p>	<ul style="list-style-type: none"> One delegate from Council 	<p>To be determined by Council</p>	<ul style="list-style-type: none"> Cr Cameron Walters 	<p>No Nominees</p>	<p>1.</p>
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SOUTHEAST AUSTRALIAN TRANSPORT STRATEGY

<p>Provides coordinated advocacy for the development of transport infrastructure in the Southeast Australian region that supports sustainable economic development and the prosperity of its constituents.</p> <p>Meeting frequency: Quarterly</p>	<ul style="list-style-type: none"> Two delegates from Council. It is recommended that one Councillor be appointed and the remaining place be filled by a staff member selected by the General Manager 	<p>To be determined by Council</p>	<ul style="list-style-type: none"> Cr Dom Figliomeni Chris O'Connor 	<ul style="list-style-type: none"> Cr Dom Figliomeni 	<p>1.</p>
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ITEM 11

APPOINTMENT OF COUNCIL 'LOCAL EXPERT' MEMBERS AND COUNCILLOR REPRESENTATIVES ON THE SOUTHERN JOINT REGIONAL PLANNING PANEL

Sydney and Regional Planning Panels were introduced to NSW in 2009 to strengthen decision making on regionally significant development applications and other planning matters. The five member panels include three State appointed members and two Council appointed members one of which is required to be a local "expert" member. This report sets out a process to refresh the Council appointed Panel members.

RECOMMENDATION

- 1 The Councillor representatives, on the Southern Regional Planning Panel, namely a Delegate and Alternate Delegate, be elected for a term determined by Council.
- 2 The election of the Councillor representatives be undertaken by open vote.
- 3 Council endorse the extension of term for existing local expert representative Mark Carlon (alternative delegate) to coincide with the term of the currently endorsed local expert representative, Mr Michael Mantei until 31 August 2023 after which Council refreshes the Panel and seeks expressions of interest for local expert representatives.

REPORT AUTHORISATIONS

Report of: Mark Adamson, Manager Development Assessment and Certification
Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

The Regional Panels provide independent, merit-based decision making on regional development and commenced operation on 1 July 2009. Wollongong City Council is part of the Southern Regional Planning Panel which was the first in the state to hold a determination meeting on 24 September 2009. Regional Panels consist of five members comprising: - one (1) chair (appointed by Minister); - two (2) experts (appointed by Minister); - two (2) Council appointed members (historically one Councillor and one local expert).

Section 4.4 of the Sydney and Regional Planning Panel Operational Procedures it states that *two council members are appointed by each council. At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.*

Councillor representative positions are currently vacant following Local Government elections on 4 December 2021 and this report recommends the appointment of two Councillors, one to be the Delegate and one to be the Alternate Delegate. The alternate member's role is to act in the place of the appointed member when they are unavailable (or where conflicts are declared) with all the powers of the member. Alternative members are generally appointed for all State and Council positions on the SRPP.

The term of Council's expert member Michael Mantei expires on 31 August 2023. However, the term of the alternate member, Mark Carlon expired in December 2021. Both expert members have been effective professional Panel members and their service has been highly regarded. The need to call upon the alternate expert member is notably infrequent however, as a consequence of a conflict of interest of the primary expert, he has been engaged on a current significant project. This matter is ongoing, and it would be in the interests of Council and the Panel to maintain continuity with this matter and extend the term of the alternate expert and align it with primary expert.

Section 4.5 of the Sydney and Regional Planning Panel Operational Procedures it states that *Councils are not restricted to nominating people from the council's local area. They can appoint, terminate, and reappoint members at any time, and can determine the duration of each appointment. Generally, so as to ensure the greatest degree of continuity for the Panels, councils should consider appointing members for the maximum term of three years provided for under the EP&A Act. However, councils should reconsider if the nominations to the Panels are appropriate within 12 months following a council election.*

PROPOSAL

This report proposes that –

- Council elects the two (2) Councillor representatives; one (1) being the Delegate and the other being the Alternate Delegate, and the term of the Alternate Local Expert be extended to coincide with the primary local expert panel member.
- This appointment ensures the continuation of local representation and the strong performance delivered by the Southern Regional Planning Panel on significant local development proposals.

CONSULTATION AND COMMUNICATION

Seek external expressions of interest for local expert representatives following the end of term on 31 August 2023.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal “We value and protect our environment”. It specifically delivers on core business activities as detailed in the Development Assessment Service Plan 2020-21.

FINANCIAL IMPLICATIONS

Council determines the fees paid to local Panel members and is responsible for making payments to local expert Panel members when they attend Regional Panel meetings. It is proposed to retain the existing remuneration (\$1,100 per meeting) for the remaining duration of the current term. Fees may be reconsidered when a refresh of local experts occurs following the end of the existing term on 31 August 2023. Current remunerations paid to the Council appointed members is as follows:

- Councillors - no additional payment beyond existing Councillor entitlements
- Council Experts - \$1,100 (GST inclusive) per meeting.

CONCLUSION

This report recommends that Council elect two (2) Councillor representatives to the Southern Regional Planning Panel – one (1) being the Delegate and the other being the Alternate Delegate. Expressions of interest will be publicly sought to refresh the local experts following finalisation of the existing term on 31 August 2023. The term of the alternate local expert should also be extended to coincide with the primary local expert to provide expertise in the event the primary expert is unavailable or identifies a conflict of interest.

ITEM 12

2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - COUNCILLOR ATTENDANCE AND DEVELOPMENT OF MOTIONS

This report seeks approval for Councillor attendance at the 2022 National General Assembly of Local Government. The report also requests Councillors to liaise with the Office of the Lord Mayor in relation to submission of any motions to the conference.

RECOMMENDATION

- 1 Council approve the attendance of the Lord Mayor, Councillor Gordon Bradbery AM, Cr Janice Kershaw and Cr Cameron Walters to attend the 2022 National General Assembly of Local Government and Regional Forum in Canberra between 19 and 22 June 2022.
- 2 The Lord Mayor be appointed as Council's voting delegate at the 2022 National General Assembly of Local Government.
- 3 Councillors to liaise with the Lord Mayor's Office on submitting Motions for consideration at the Conference.
- 4 The General Manager be delegated the authority to determine any requests by any other Councillor to attend the 2022 National General Assembly of Local Government and Regional Forum.

REPORT AUTHORISATIONS

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

ATTACHMENTS

There are no attachments for this report

BACKGROUND

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly of Local Government (NGA) attracts more than 800 attendees each year.

The 2022 NGA is an opportunity for attending Councillors to deliver the views and concerns of Council as well as contribute their own experiences and knowledge to debate on a broad set of national issues, influencing the national policy agenda. The theme of the 2022 NGA is *Partners in Progress*.

ALGA has released a Discussion Paper to provide guidance to Councils for the development of Motions for debate at the NGA. The paper provides an overview of policy areas in which the NGA has well-established positions and identifies potential new and emerging policy areas which are being developed by ALGA and require detailed consideration.

Motions are to be lodged online with ALGA by Friday 25 March 2022.

Motions for debate

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, Council's motions must meet the following criteria:

- 1 be relevant to the work of local government nationally
- 2 not be focussed on a specific location or region – unless the project has national implications
- 3 be consistent with the themes of the NGA
- 4 complement or build on the policy objectives of your state and territory local government association

- 5 be submitted by a council which is a financial member of their state or territory local government association
- 6 propose a clear action and outcome i.e. call on the Australian Government to do something
- 7 be a new motion that has not already been debated at an NGA in the preceding two years, and
- 8 not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should be submitted to the General Assembly no later than Friday 25 March 2022.

CONSULTATION AND COMMUNICATION

Consultation with Councillors will be undertaken to develop and submit any motions for the conference.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal 4 “We are a connected and engaged community”.

It specifically delivers on core business activities as detailed in the 2021-22 Business Plan of the Governance and Customer Service Division.

SUSTAINABILITY IMPLICATIONS

Councillors are encouraged to utilise the digital conference papers available, to minimise the use of paper.

FINANCIAL IMPLICATIONS

Funds are available within the relevant budget to enable Councillors to attend conferences and meet costs associated with attendance at the National General Assembly of Local Government (NGA).

Virtual attendance

If delegates wish to attend virtually, registration is \$689. No other incidental expenses will be met for virtual attendance by Councillors.

In person attendance

The estimated total cost of attendance in person at the 2022 NGA and Regional Forum for each delegate, if participating in all available sessions, functions and events is \$3,099.

Travel is to be undertaken in accordance with the Councillors Expenses and Facilities Policy.

A breakdown of estimated costs is shown below, all costs shown are inclusive of GST:

Expense	Amount
Regional Forum registration 19 June 2022	\$225
NGA registration 20-22 June 2022	*\$989
Networking dinner 20 June 2022	\$150
General Assembly Dinner 21 June 2022	\$175
Accommodation (4 nights)	**\$1,560
TOTAL	\$3,099

* Early bird rate.

**Accommodation at the conference venue will be booked where available, in accordance with the *Councillors Expenses and Facilities* policy.

Other reasonable expenses within the limits applied by the *Councillor Expenses and Facilities* policy include the cost of meals for the Councillor, where not otherwise provided in conference, function or event registration costs. These include –

Breakfast: Monday 20 June to Wednesday 22 June 2022.

Lunch: Sunday 19 June 2022 if attending the Regional Forum and lunch is not provided.

Dinner:

- Sunday, 19 June 2022
- Monday, 20 June 2022 if not registered for the Networking dinner, and
- Tuesday, 21 June 2022 if not registered for the GA dinner.

CONCLUSION

This report provides an overview of the 2022 NGA conference and details the benefits of Council representation. The report also details the costs associated with sending delegates and presents the request for the Lord Mayor and other councillors to attend.

ITEM 13

EXERCISE OF DELEGATIONS TO ACCEPT TENDERS ABOVE \$500,000 INCL GST BETWEEN 1 NOVEMBER 2021 AND 31 JANUARY 2022

At its meeting of 13 September 2021, Council granted delegation to the General Manager, subject to the agreement of the Lord Mayor or Deputy Lord Mayor (in absence of the Lord Mayor), for the determination of tenders over \$500,000 incl GST from 1 November 2021 to 31 January 2022. The purpose of this report is to advise Council on the exercise of such delegation.

RECOMMENDATION

Council note the exercise of delegations by the General Manager with the agreement of the Lord Mayor or Deputy Lord Mayor (in absence of Lord Mayor) during the period between the last ordinary meeting of Council on 1 November 2021 and the first ordinary meeting of the new Council on 31 January 2022.

REPORT AUTHORISATIONS

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

ATTACHMENTS

There are no attachments for this report

BACKGROUND

At the ordinary meeting of 13 September 2021, Council resolved as follows in relation to tenders above \$500,000 incl GST:

Council delegate to the General Manager the authority to accept all tenders, except tenders to provide services currently provided by members of staff, during the following Council recesses:

- i) *Between the last meeting of the Council for the calendar year and the first meeting of the following year, with the agreement of the Lord Mayor, or in the absence of the Lord Mayor with the Deputy Lord Mayor; and*
- ii) *Between the last meeting of the Council term and the day appointed for the next ordinary election; with the agreement of the Lord Mayor, or in the absence of the Lord Mayor with the Deputy Lord Mayor, and remaining compliant with section 393B(1)(a) of the Local Government (General) Regulation 2021; and*
- iii) *Between the day appointed for the ordinary election and the first meeting of the new Council term, with the agreement of the Lord Mayor.*

The last Ordinary Council meeting for the last term of Council was held on 1 November 2021, with Council elections held on 4 December 2021. For clarity, the appropriate delegation for the period between the ordinary election held on 4 December 2021 and the first meeting of the Council on 31 January 2022, which spanned the Christmas and New Year period, is (iii) given there was no Deputy Lord Mayor in place during that time.

A total of 4 tenders were accepted under the above delegations during this time and are detailed below:

Tender	Awarded to	Value incl GST	Date accepted	Relevant Delegation
T1000027 Embankment Stabilisation Works Adjacent to the Fraternity Club, Fairy Meadow	Cadifern Pty Ltd (7 Tenders received)	\$669,055.20	22/11/2021	(ii)

Tender	Awarded to	Value incl GST	Date accepted	Relevant Delegation
T1000039 Fred Finch Park Berkeley Netball Court Redevelopment	Select Civil Pty Ltd (5 tenders received)	\$2,763,008.34	15/12/2021	(iii)
T1000028 Lindsay Maynes Park Criterium Track and Associated Works	Dynamic Civil Pty Ltd (7 tenders received)	\$1,724,886.90	17/12/2021	(iii)
T1000041 Harry Graham Drive - Rockfall Barrier (Area 1B) and Brandy and Water Creek (Area 6) Works	Ground Stabilisation Systems Pty Ltd (5 tenders received)	\$2,599,574.67	12/01/2022	(iii)

PLANNING AND POLICY IMPACT

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

It specifically delivers on core business activities as detailed in the Governance and Customer Service, Service Plan 2021-22.

CONCLUSION

Council authorised the delegation for awarding of tenders under delegation by the General Manager and Lord Mayor or Deputy Lord Mayor across the period. Exercise of such delegation is now reported to Council in accordance with the resolution of 13 September 2021.

ITEM 14

TENDER T1000025 - LICENCE OF BALD HILL KIOSK, OUTDOOR SEATING AND OPERATION OF A MOBILE FOOD VAN

This report recommends that Council decline to accept any of the tenders submitted for the licence of Bald Hill Kiosk, Outdoor Seating and Operation of a Mobile Food Van at Bald Hill, Otford Road, Stanwell Tops in accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*.

This report recommends that Council decline to accept the tender submission and proceed to negotiate firstly with the tenderer, or in the event of failure of negotiations with that tender, any other party with a view of entering into a licence agreement in relation to the subject matter of the tender.

RECOMMENDATION

- 1 a In accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*, Council decline to accept tenders received for licence of Bald Hill Kiosk, Outdoor Seating and Operation of a Mobile Food Van at Bald Hill, Otford Road, Stanwell Tops and resolve to enter into negotiations with the tenderer with a view to entering into a licence in relation to the subject matter or in the event of failure of negotiations with that tenderer, any other party with a view of entering into a licence agreement in relation to the subject matter of the tender.
- b In accordance with section 178(4) of the *Local Government (General) Regulation 2021*, the reason for Council hereby resolving to enter into negotiations with the tenderer or any other party and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with a party who can demonstrate a capacity and ability to perform all requirements under the licence provisions.
- 2 Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with the tenderer, and, in the event of failure of negotiations with that tenderer, any other party, with a view to entering into a licence agreement in relation to the subject matter of the tender.
- 3 Council grant authority for the use of the Common seal of Council on the licence agreement and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation

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

ATTACHMENTS

There are no attachments for this report

BACKGROUND

TENDER

Tenders were invited for this licence by the Open tender method with a close of tenders of 10.00 am on Thursday 28 October 2021.

One tender was received by the close of tenders. The tender was scrutinised and assessed by a Tender Evaluation Panel constituted in accordance with Council's Procurement Framework, and related policies and procedures. The evaluating members of the panel comprised representatives of the Property and Recreation and Library and Community Services Divisions in consultation with representatives from the Supply Chain and Logistics Management and Governance business units.

The Tender Evaluation Panel assessed all tenders in accordance with the following evaluation criteria and weightings as set out in the formal tender documents.

Mandatory Criteria

1. Provision of satisfactory references from referees
2. Financial capacity
3. Operating Objectives
4. Workplace Health and Safety Documentation including Risk Management Policies and Procedures.

Evaluation Criteria

1. Cost to Council - 30%
2. Demonstrated Strengthening of Local Economic Capacity – 10%
3. Demonstrated Experience and satisfactory performance in operating a kiosk &/or mobile food van - 40%
4. Variety of Foods and Drinks to be sold to suit a range of tastes and budgets - 10%
5. Demonstrated sustainable business practices, including but not limited to the mandatory use of sustainable packaging and sourcing of products - 10%.

PROPOSAL

The Tender Assessment Panel has concluded that the commercial terms of the tender received was not acceptable and has recommended that the tender be declined, and negotiations be undertaken with the tenderer, or if those negotiations are unsuccessful, any other party, with a view to entering into a contract for the subject matter of the tender.

The Panel anticipates that a satisfactory outcome will be achieved through a negotiation process conducted in accordance with Council's Procurement Policies and Procedures.

CONSULTATION AND COMMUNICATION

- 1 Members of the Tender Assessment Panel
- 2 Nominated Referees
- 3 Governance Business Unit – in relation to advice on rejecting tender submission and negotiating with tenderer.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal 2, "We have an innovative and sustainable economy" and Strategy 2.3.1 "Build our city as a tourist destination of choice for conferences, events and a place to live, learn, work and visit".

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 such as an appropriate lease or licence agreement.

FINANCIAL IMPLICATIONS

It is the intention of Council officers that by negotiating with the current tenderer or another party, a satisfactory commercial outcome will be achieved.

CONCLUSION

Whilst there was only one tenderer for this Licence, Council officers are of the view that a satisfactory outcome will be achieved through a negotiation process conducted in accordance with Council's Procurement Policies and Procedures resulting in a satisfactory value for money outcome for Council.

ITEM 15 RETURNS OF DISCLOSURES OF PECUNIARY INTERESTS - FEBRUARY 2022

The Model Code of Conduct requires the General Manager to table all Returns of Disclosures of Interest lodged by persons nominated as designated persons. Returns are submitted to Council on a as needs basis.

RECOMMENDATION

Council note the tabling of the Returns of Disclosures of Interest as required by Part 4 of the Model Code of Conduct.

REPORT AUTHORISATIONS

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

ATTACHMENTS

There are no attachments for this report.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal “We are a connected and engaged community”. It specifically delivers on core business activities as detailed in the Governance and Customer Service, Service Plan 2021-22.

ITEM 16 DRAFT QUARTERLY REVIEW STATEMENT DECEMBER 2021

The Quarterly Review Statement outlines progress towards the achievement of Council's Strategic Planning documents, in particular, the Delivery Program 2018-2022 and Operational Plan 2021-2022. The Statement addresses the financial and operational performance of Council and includes the Budget Review Statement.

RECOMMENDATION

- 1 The draft Quarterly Review Statement December 2021 be adopted.
- 2 The Budget Review Statement as at December 2021 be adopted and revised totals of income and expenditure be approved and voted.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer

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

ATTACHMENTS

- 1 Draft Quarterly Review Statement December 2021

BACKGROUND

Council's draft Quarterly Review Statement December 2021 outlines the operational and financial performance of Council's Strategic Planning documents - the Delivery Program 2018-2022 and Operational Plan 2021-2022.

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

Significant highlights during the quarter include:

- Opening of the Cringila Hills Recreation Park Mountain Bike trails.
- Announcement of the UCI Road World Championships – Wollongong 2022 course.
- Innovate Reconciliation Action Plan 2021-2023 was endorsed by Council and Reconciliation Australia.
- Council resolved to acknowledge the achievements of local swimmer Emma McKeon by naming the North Beach Promenade and Terraces in her name.
- Excellence in the Environment Awards Local Sustainability Award for 2021, recognising Council's *Sustainable Wollongong 2030: A Climate Healthy City Strategy*.
- Installation of public art, Eyes on the Horizon at Hill 60 as part of the Ngarabaan Trail.
- The Wollongong Waste App was launched.

CONSULTATION AND COMMUNICATION

Executive Management Committee

Senior Leadership Team

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal 4 “*We are a connected and engaged community*”. It specifically delivers on the following:

Community Strategic Plan Strategy	Delivery Program 2018-2022 4 Year Action	Operational Plan 2021-2022 Annual Deliverables
4.3.1 Positive leadership and governance, values and culture are built upon	4.3.1.1 Ensure appropriate strategies and systems are in place that support good corporate governance	Preparation of timely, accurate and relevant quarterly and annual reporting

FINANCIAL IMPLICATIONS

The review of the financial estimates proposes a range of adjustments that impact on the Operational Result, however, have resulted in a relatively minor improvement in the Funds Result that reflects our underlying financial capacity, as many of the proposed adjustments are of a non-cash nature or are supported from restricted cash held from prior year’s revenue. The revised Funds Results forecasts a minor improvement of \$0.1M while the revised Operating Result [pre capital] proposes a deterioration of \$2.5M that is comprised as follows:

Non-Funds Variations (no Fund impact) \$2.6M (U)

- Domestic Waste (offset by transfer from restricted cash) \$2.5M (U)
- Introduction of funded projects \$0.6M (U)
- Investment revenues \$0.5M (U)
- Depreciation adjustment \$1.0M (F)
- Projects rephased to 2022-2023 onwards
 - Supporting Documents adjustments and re-phasing \$0.5M (F)
 - UCI projects rephased to 2022-2023 \$0.4M (F)
 - Other \$0.3M (F)
 - Offset by provision for rephasing of projects \$1.2M (U)

Funds Variations \$0.1M (F)

- Market Street Car park now Council operated \$0.4M (U)
- Increase in Insurance Premiums \$0.1M (U)
- Projects rephased to 2022-2023 onwards
 - Supporting Documents adjustments and re-phasing \$0.2M (F)
 - Other \$0.4M (F)
 - Projects negative contingency offset \$0.2M (U)

A more detailed analysis is provided in the attachment to this report.

CONCLUSION

This draft Quarterly Review Statement December 2021 has been prepared following input and assistance from all Divisions. It is submitted for consideration and adoption by Council.

OUR WOLLONGONG 2028

QUARTERLY REVIEW STATEMENT

From the mountains to the sea





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Message from THE GENERAL MANAGER, Greg Doyle



This Quarterly Review Statement (October to December 2021) reports on progress towards achieving the five Councillor Strategic Priorities from the Delivery Program 2018-2022 and Annual Deliverables from the Operational Plan 2021-2022.

Highlights and significant progress with key projects from the Operational Plan 2021-2022 are reported by the six Community Goals from the Our Wollongong 2028 Community Strategic Plan.

The Operational Plan 2021-2022 includes significant investment in cycleways, footpaths, roadworks and lighting to make our favourite places more accessible, while upgrades to community buildings, cultural and sporting facilities, pools and playgrounds will ensure we continue to be a vibrant and liveable city.

Highlights from this quarter include:

- 1 Opening of the Cringila Hills Recreation Park Mountain Bike trails;
- 2 UCI Road World Championships – Wollongong 2022 course announced on 10 December 2021
- 3 Draft Innovate Reconciliation Action Plan 2021-2023 was endorsed by Council and Reconciliation Australia;
- 4 Council resolved to acknowledge the achievements of local swimmer Emma McKeon by naming the North Beach Promenade and Terraces in her name;
- 5 Excellence in the Environment Awards Local Sustainability Award for 2021, recognising Council's *Sustainable Wollongong 2030: A Climate Healthy City Strategy*;
- 6 Installation of public art, *Eyes on the Horizon* at Hill 60 as part of the Ngarabaan Trail;
- 7 The Wollongong Waste App was launched.

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

The ongoing COVID-19 pandemic continues to present significant challenges to Council both operationally and financially. While we have made service modifications and will continue to monitor and respond to updated advice and measures, Council has not been devoid of the impact of COVID-19 particularly on our budget, as detailed in the Budget Review Statement of this report. Our COVID-19 assistance package, outlined in the Delivery Program 2018-2022 and reported in this Quarterly Review Statement, includes a range of measures to assist residential and business ratepayers as well as the broader community.

During this quarter, we've supported projects to reduce isolation and improve community cohesion with the Connecting Neighbours Grants and delivered social support services to check-in with clients and carers in a COVID-Safe way. We've also adapted our services to engage and support our young people through online platforms and activities and expanded the range of multimedia and digital services delivered through our libraries.

We continue to focus on improving our customer service to best serve our community and are committed to be the best possible local government authority we can be.

I would like to thank all staff and the community for their contributions to the achievements identified in this Quarterly Review and Budget Review Statement.

Greg Doyle
General Manager

Strategic Priorities PROGRESS REPORT

Our Councillors have made a commitment to support our organisation and community in making Wollongong a better place to live, work, visit and play. To focus Council's attention to achieve this, Councillors have agreed to five Strategic Priorities. These are outlined in the Delivery Program 2018-2022. Progress made in the December 2021 Quarter is outlined below:

Activating Our Suburbs

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

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

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

Strategic Priority Progress



On Track

Program Achievements

COVID-19 restrictions on public gatherings have limited our ability to provide activation activities, however, a range of activities and initiatives were delivered in our suburbs to support connected and liveable spaces for our community.

The Connecting Neighbours Grants program has enabled Council to support projects being delivered by community members in their local suburbs. The grant program funds ideas generated by the community to bring people together and make neighbourhoods a better place. This quarter the grant program focussed on creating connections during the pandemic. Underway or delivered in this period are projects in Wollongong, West Wollongong, Dapto, Figtree, Fairy Meadow, Austinmer, Horsley, Mount Pleasant, Berkeley and Warrawong.

Cringila Hills Recreation Park opened during the quarter. The Mountain Bike Park has an exciting mix of almost 12 kilometres of trails for riders from beginners to advanced. The tracks have a mix of gradients, surfaces and obstacles. The trails are part of a bigger project that's transforming Cringila Hills into a landmark recreation park. The area includes a new playground and more than 3.4km of shared-use and walking trails. Work is also underway for a jumps park for beginner to intermediate riders. An asphalt pump track and bike skills playground are also planned, with both due to be ready mid-2022.

Strategic Priorities PROGRESS REPORT

Activating Our Suburbs Continued...

Other initiatives delivered this quarter include:

- Bellambi neighbourhood wayfinding/directional signage sculpture;
- New murals in Fairy Meadow and Towradgi;
- Guest Park skate park mural;
- Finalisation of Unanderra community centre and library mural;
- Installation of *Eye on the Horizon* sculpture at Hill 60, as part of the Ngarabaan Trail;
- Viva 'Engine Room' program *Standing on the Ceiling* created several online mass participation events, with planning underway for face-to-face event in Port Kembla in 2022;
- Viva 'Engine Room' program *Jam'n Bread*, continued the mentorship and program with diverse musicians, with some online pivot and face-to-face program being prepared for 2022;
- *Carve A New Trail* tracks were constructed in Dapto, Fairy Meadow and Bulli.

Strategic Priorities PROGRESS REPORT

Urban Greening

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

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

Strategic Priority Progress



On Track

Program Achievements

The Urban Greening Program continued during the quarter servicing street tree requests, coordinating with civil construction projects and playground installations and installing transitional landscapes to reduce mowing. Street tree planting is paused over the Summer months to improve survival rates.

Planning began for 3 new 'Miyawaki' forest plantings with installation planned in the 3rd Quarter.

A review is currently underway of the Public tree Management Policy, Tree Permit Policy and Vegetation and Vandalism Response policy that will be aligned with the Urban Greening Strategy to increase tree canopy over the medium and long term. This work is expected to be ready for council consideration in Quarter 4.

A new round of Verge Garden community grants was launched in October along with other Urban Greening promotional material to encourage community participation post Covid restrictions.

Strategic Priorities PROGRESS REPORT

West Dapto

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

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

Strategic Priority Progress

✓ On Track

Program Achievements

Council continues planning, designing and constructing infrastructure items for West Dapto. During the quarter, community feedback was considered and reflected in the ongoing design process for planned upgrades to West Dapto Road, Kembla Grange.

On 18 October, Council resolved to progress the finalisation process for Biodiversity Certification. The final application and supporting documentation are being progressed in consultation with the Department of Planning, Industry and Environment. It is anticipated a formal exhibition process will be undertaken in early 2022.

Council continues to assess Planning Proposals, Neighbourhood Plans and subdivision Development Applications that facilitate urban development. To date, Neighbourhood Plans have been adopted within stages 1, 2, and part stages 3 & 4 which will combined, facilitate land for over 5,202 lots. Neighbourhood Plans to support a further 7,313 lots are currently being assessed. Council has granted Development Consent for 2,212 new lots.

Council staff continued to review the West Dapto Development Contributions Plan 2020 throughout the quarter. This is a large project that will be subject to Independent Pricing and Regulatory Tribunal (IPART) assessment and due for completion in December 2023. The review may be influenced by the NSW Government Contributions Reform proposal which is currently on public exhibition. Staff are arranging a submission to the State's process and will monitor the effect of the reforms on Council's local contributions planning. The State reforms are expected to be in place by 1 July 2022.

Implementation of the West Dapto Vision 2018 is ongoing with Council continuing to progress the suburbs review to ensure suburbs reflect the growing urban area. We will be working with the NSW Geographical Names Board during 2022 to formally implement Council's 1 November 2021 resolution seeking to introduce a new suburb 'Stream Hill' to West Dapto. Council adopted refinement of the Neighbourhood Planning process at West Dapto on 18 October 2021.

The scoping and procurement process for the Landscape Masterplan and Open Space, Recreation, Community and Cultural Facilities Needs assessment has commenced.

Strategic Priorities PROGRESS REPORT

Active Transport and Connectivity

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

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

Strategic Priority Progress

✓ On Track

Program Achievements

Actions identified within Town Centre and Village Plans, Keiraville Gwynneville Access and Movement Strategy, Wollongong Cycling Strategy and Wollongong Pedestrian Plan continue to be delivered through the Infrastructure Delivery Program and operational programs for progressive implementation. Council continues to plan and build momentum towards the 2022 Union Cycliste Internationale (UCI) Road World Championships to stimulate cycling related tourism and community participation. Council will continue to seek grant funding through a range of NSW State and Commonwealth initiatives to support active transport and connectivity improvements.

In 2021-2022, Council has committed \$3.7 million worth of new footpaths and \$4 million worth of new Cycleways. This level of spending is reflective of increased in Federal and State grants funding and increased contribution from Council to deliver the cycling strategy.

The following table shows the status of the projects in this financial year.

	In Scoping	Scope completed	In design	Design handed over	Pre-construction	Construction commenced	Construction completed
Footpaths							
• New	1	3	16	1	2	2	2
• Renewals	-	15	7	1	8	-	1
Cycleways and Shared Paths							
• New	3	1	15	-	2	1	2
• Renewals	-	5	6	3	1	1	3

Strategic Priorities PROGRESS REPORT

Business and Investment

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

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

Strategic Priority Progress



On Track

Program Achievements

Business and investor enquiries have remained strong throughout the quarter despite the impacts of COVID-19. Council facilitated 20 new enquiries, ranging from business support/information to facilitating larger projects through Invest Wollongong. Support was provided for a further 14 longer-term projects which combined have an estimated jobs impact of over 2,000.

The Business Support Program for local businesses, in partnership with Investible, concluded. This program was an important element of Council's broader COVID-19 community and business support program adopted at the meeting of 2 August 2021. Following an extensive promotional period, approximately 100 businesses registered for the *Prime to Thrive* program and 20 businesses were chosen to participate in the *Thrive* program.

A buy local campaign, *We Shop the Gong*, was launched. The campaign aims to drive spending at local businesses and support the local economy. Over the past 12 months, online spending and spending outside the Local Government Area by Wollongong residents totalled \$2.5B. A 10% change in Wollongong residents spending habits would see an extra \$250M enter our local economy, supporting 3,200 new local jobs. The campaign included a range of advertising materials, including a new webpage, dedicated social media campaign and a range of merchandise and marketing to support local businesses and encourage residents to 'Shop the Gong.'

A *Doing Business with Wollongong City Council* event was hosted in October 2021 to assist the local business community with understanding Council's procurement activities and processes. The event also raised awareness of the opportunities presented within Council's Infrastructure Delivery Program for local businesses. Over 80 local business representatives attended this session.

Invest Wollongong wrapped up a successful digital advertising campaign. Key highlights of the campaign include: 13.6M impressions; over 53,000 clicks through to the Invest Wollongong website (960% increase); 443 downloads of the Office Market Prospectus and 38 website enquiries. Over 90% of users who visited the Invest Wollongong website via the digital advertising campaign were new visitors to the site. Invest Wollongong banner ads delivered 17,321 clicks through to the website, a click through rate around 400% above benchmark.

Strategic Priorities PROGRESS REPORT

Business and Investment Continued...

The 15 second Invest Wollongong video performed well with over 170,000 completed views. 1,065 people who searched "office space in Parramatta" (or similar terms) in Google search engines decided to click on the Invest Wollongong search ads, which resulted in intercepting traffic searching competitor locations.

Clean Energy investment continued to maintain momentum over the quarter. A submission was provided to the inquiry into the Offshore Electricity Infrastructure Bill 2021, welcoming the introduction of legislation and acknowledging the importance of offshore wind for Wollongong. Australian Industrial Energy announced in November 2021 the signing of a long-term agreement with energy infrastructure and transport provider Høegh LNG to supply the first Floating Storage and Regasification Unit (FSRU) to operate at the Port Kembla Energy Terminal. Under the agreement, the *Høegh Galleon* will serve the Terminal, which has commenced construction of its berth facilities at Port Kembla, and is expected to be operational by mid-2023, making it the first project of its kind in Australia.

Supporting Our Community During the COVID-19 Pandemic

The significant challenges arising from the global health and economic challenge of the COVID-19 pandemic have continued into this quarter. This impacted on what Council has been able to deliver and the way we serve and support the community. The application of a community-orientated, risk-based approach to the delivery of our services as well as responding to advice from government authorities, has meant some services and key facilities were temporarily altered or ceased. As always, our focus is on protecting vulnerable members of our community and protecting the health, safety and wellbeing of our staff and volunteers, their families and our community.

Council's workforce remains fully engaged during this time to support ongoing service requirements and deliver the Infrastructure Delivery Program as planned. Beyond the management of assets, Council's annual infrastructure investment is significant and will continue to support local contractors, businesses and suppliers. The organisation is also undertaking a review of how we deliver our services in line with the national health guidelines. Of importance is how we can continue to effectively engage with our community during this time.

Council's online engagement opportunities remained open via the website and alternate engagement methods were developed. Council provided a COVID-19 Assistance Package in 2020-2021 to support our community and businesses. With the continued effect of the pandemic evident across our community, on 2 August 2021 Council adopted an additional, comprehensive range of assistance measures for impacted ratepayers, businesses, community organisations, creative community and tenants of Council owned properties.

Supporting our Community During the COVID-19 Pandemic

The following section outlines Council's progress with implementing the community assistance package adopted at the 2 August 2021 Council meeting.

Rates Relief; Deployment of Council's Debt Recovery and Hardship Assistance Policy			
Initiative	Responsibility	Status	Progress Update
Rates Relief program: Freeze on interest and recovery action on overdue rates and charges that relate to the current year rates	Chief Financial Officer	Complete	This component of the rates assistance program was concluded as at 30 November 2021 in accordance with planned action.
Requests for deferred payment arrangements for all ratepayers experiencing financial difficulty due to COVID-19 impacts under its Debt Recovery and Hardship Assistance Policy for the 2021-2022 financial year	Chief Financial Officer	On-Track	The extension of the Hardship policy to all ratepayers including commercial properties will extend through the financial year. There have not been any specific applications as a result of this policy, although as payments were able to be deferred without cost under the initiative above it was anticipated that this action would more likely be applied in the second half of the year.
Cease legal debt recovery on 2021-2022 rates otherwise required under Council's Debt Recovery and Hardship Assistance Policy until 30 November 2021	Chief Financial Officer	Completed	This initiative has now concluded although a continuation of supportive application of Council's Recovery Policy will continue.

Supporting our Community During the COVID-19 Pandemic

Fees and Charges Relief 2021-2022			
Initiative	Responsibility	Status	Progress Update
Waiver of Casual Off-Street Parking Fees at targeted off-street parking locations until 31 December 2021	Manager Property and Recreation	Completed	Waiver has been implemented for MacCabe Park carpark and 2 hours free at Market Street Carpark.
Supporting our Local Sporting Groups - Waiver of Training and Competition Fees	Manager Property and Recreation	On-Track	The availability of the waiver on fees was distributed to sports clubs, however interruptions to sport associated with COVID-19 restrictions resulted in only two requests received. These have yet to be progressed due to invoices not yet being raised as their summer sport continues.
Support for Fitness Trainers; Swim Schools and Surf Schools	Manager Property and Recreation	Completed	Action has been implemented and respective debtor accounts adjusted.
Supporting Hospitality Businesses: <ul style="list-style-type: none"> Waiver of Outdoor Dining Fees [existing]; Extension of Outdoor Dining Incentives to our Suburbs 	Manager Community, Cultural and Economic Development	On-Track	<p>Waiver of Outdoor Dining Fees has been implemented.</p> <p>A number of additional Outdoor Dining Licences/extensions to Outdoor Dining space have been processed. Staff are progressing a strategy using road reserve to expand available Outdoor Dining Space to be implemented as soon as possible, similar to the City of Sydney model.</p> <p>Globe Lane, Crown Lane and The Hotel Illawarra are initial examples of additional outdoor expansion. Planning for a parklet at Port Kembla is also underway, to be implemented during January 2022.</p>
Supporting our Business Community - Food and Personal Grooming Inspection and Administration Fees Waiver	Manager Regulation and Enforcement	Completed	Fees for these premises have been waived for the full 2021-2022 year. Inspections of premises continue but were impacted at the end of the quarter by increasing COVID-19 cases. Only 're-inspections' of premises will be invoiced this financial year.

Supporting our Community During the COVID-19 Pandemic

Supporting Community Service Providers and Facilities Licensees			
Initiative	Responsibility	Status	Progress Update
Supporting Local Not-For-Profits: Emergency Food and Care Support for Residents	Manager Community Cultural and Economic Development	On-Track	<p>The Emergency Food and Care Support Grants Round 2 opened during October 2021. 16 applications were received at a value of \$185,030.</p> <p>Funding was provided to six applicants to a total value of \$30,000 (food) and \$39,750 (care). Round 2 grant funding was required to be expended by 31 December 2021.</p>
Supporting Community Facilities: Financial Assistance for Essential Outgoings.	Manager Library and Community Services	On-Track	<p>Eight applications from licensees were received and approved for financial assistance, with \$40,000 support provided in 2021-22. The assistance is enabling licensees to cover expenses of the centres while in lockdown and unable to generate income through hire.</p> <p>Risks still exist that some licensees may not be able to meet financial obligations due to the length of lockdowns. There is also ongoing uncertainty about centre operations and changes to NSW Public Health Orders.</p> <p>Wollongong City Council cleaners have been utilised to assist with cleaning licensed centres to reduce licensee costs and improve cleanliness of the centres.</p>

Supporting our Community During the COVID-19 Pandemic

Supporting Our Local Economy – Deployment of a Buy Local Campaign			
Initiative	Responsibility	Status	Progress Update
To support economic recovery and stimulate local economic activity, Council will fund the development of a buy local campaign.	Economic Development Manager	On-Track	<p>A buy local campaign, 'We Shop the Gong' (#weshopthegong), was launched in December 2021, after consultation with local businesses and business interest groups and will continue over the summer period. The campaign aims to drive spending at local businesses over the festive and summer seasons to support the local economy and employment, as the community emerges from lockdown.</p> <p>The campaign included a range of advertising materials, including a new webpage, dedicated social media campaign, and a range of merchandise and marketing material to support local businesses and encourage residents to 'Shop the Gong'. These include:</p> <ul style="list-style-type: none"> • Ads running on radio (i98 and Wave FM); • Instagram and Facebook pages are now live and building followers; • Bus ads are now live and will be driving around the LGA until the end of February; • Multiple google ad sets are now live targeting online shoppers and local business owners in Wollongong; • Mall flag banners and signage in Globe Lane will be installed in January 2022; • A range of local businesses have been using the digital and physical collateral. Merchandise, including carry bags are in production. Posters and window decals will be distributed in January 2022.

Supporting our Community During the COVID-19 Pandemic

Supporting Council's Tenants – Rent Waivers and Deferrals			
Initiative	Responsibility	Status	Progress Update
Provide support to Council's commercial tenants by adhering to the Regulations introduced on 14 July 2021 and, in addition, providing rental waivers and deferrals to eligible tenants for the period of 1 July 2021 to 31 December 2021	Manager Property and Recreation	On-Track	<p>Rent waivers and deferrals are underway.</p> <p>An online application process has been established. Council has been requesting these be submitted quarterly and has processed a number of these applications during the quarter.</p> <p>Correspondence has been sent to Council's commercial tenants outlining the process and providing guidance to apply and the website has been updated to reflect application process and eligibility criteria.</p>

Supporting our Community During the COVID-19 Pandemic

Supporting our Local Creative Industries			
Initiative	Responsibility	Status	Progress Update
<p>A program of support to our local creative industries to provide meaningful employment and/or business development. Includes:</p> <ul style="list-style-type: none"> Quick response grants (\$60,000); Events re-emergence (\$200,000); Arts professional mentorship program (\$60,000); Artist-in-residences (\$120,000); 	<p>Manager Community Cultural and Economic Development</p>	<p>On-Track</p>	<p>Creative Wollongong Quick Response Grants – was delivered this quarter. Grants were made available for eligible individual artists or small arts organisations across all art forms, for costs associated with creative projects or to develop a suite of digital marketing assets.</p> <p>Over 50 applications were received, with approximately one third from new applicants and half applying for the new category of 'digital marketing'. 28 applicants were successful in receiving funding. These grants have been awarded and projects are underway.</p> <p>COVID-19 restrictions have limited the ability to deliver on the events re-emergence project.</p> <p>The Arts Professional mentorship program was finalised during the quarter. The program includes two streams:</p> <ol style="list-style-type: none"> 1. Council will engage an external organisation to deliver an arts/cultural focused business training program for individual artists/small arts organisations in the Wollongong Local Government Area; 2. As part of a wider package of professional development and mentoring, creative practice mentoring will be provided with one-on-one delivery by practising arts professionals within the Local Government Area. As part of this process, 'train-the-trainer' in mentoring practise will also be provided as required and to assist creative practitioner skills development. <p>An Expression of Interest (EOI) process will be implemented in early 2022.</p> <p>A cross-organisational approach, focusing on diverse and unusual Council</p>

Supporting our Community During the COVID-19 Pandemic

			owned assets and open spaces for artist in residence opportunities are being finalised. Each Artist in Residence program will take place over two to three months and selected through an EOI during February 2022.
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Operational Plan

2021-2022 PROGRESS

The following section provides an overview of Council's progress with delivering Our Wollongong 2028. It provides a summary of progress for 2021-2022 Annual Deliverables [Council's programs, projects and activities] and highlights significant progress with annual projects as outlined in Our Wollongong 2028 Community Goals. This exception-based reporting provides an overview of achievements for the December 2021 Quarter. The organisation's performance is also reported by the key performance indicators, budget summary information and Budget Review Statement.

The Operational Plan 2021-2022 contains 340 annual deliverables across the six Community Goals. Table 1 below outlines how Council is tracking in the December Quarter to achieve the annual deliverables for each Community Goal.

Table 1: Annual Deliverable Progress by Community Goal

Goal	On track	Not Scheduled to Commence	Delayed	Deferred	Ongoing / Complete
1. We value and protect our natural environment	91.78%	1.37%	6.85%	0%	0%
2. We have an innovative and sustainable economy	93.02%	0%	0%	6.98%	0%
3. Wollongong is a creative, vibrant city	82.76%	0%	6.9%	10.34%	0%
4. We are a connected and engaged community	94.34%	1.89%	1.89%	0%	1.89%
5. We have a healthy community in a liveable city	92.98%	0%	2.63%	2.63%	0%
6. We have sustainable, affordable and accessible transport	96.3%	0%	3.7%	0%	0%
Total Annual Deliverable Progress	92%	1%	4%	2%	1%

Note: Each Goal does not have an equal number of annual deliverables; therefore, the Annual Deliverable progress has been rounded up to 100.

Operational Plan 2021-2022 Progress continued

Overall, 4% of Annual Deliverables were reported to be delayed and 2% were deferred. Table 2 below outlines all Annual Deliverables reported as delayed or deferred at the end of December 2021.

Community Goal	Annual Deliverable	Delayed	Deferred	Comment
2. We have an innovative and sustainable economy	Undertake the City Centre Planning Review and Design Review arising from the Wollongong City Centre – Public Spaces Public Life Implementation Plan		Y	In December 2020, Council resolved to defer the progression of the draft City Centre Planning Strategy, draft Planning Proposal and draft DCP chapter, pending the completion of other supporting documentation. Those supporting documents, which include a Retail Centres Study, are nearing completion.
3. Wollongong is a creative, vibrant city	Implement the 'Made in Wollongong' concept		Y	<p>Made in Wollongong as a promotional tool for our creative community has been identified for some time, with little take-up to progress its integral value. This Quarter, the concept has been analysed with cross-organisational discussions occurring regarding the benefit of this brand and opportunities for leverage, both within and beyond the creative community.</p> <p>A report including a SWOT analysis on the concept and a series of recommendations for moving Made in Wollongong forward is in draft. Of note, is the growing 'Creative Wollongong' brand. Through the Creative Wollongong Cultural Plan and associated digital social media and 'quick response' grants, many of Council's programs are operating under the Creative Wollongong brand, which is providing support and brand identity recognition for the local creative community.</p>
5. Wollongong is a creative, vibrant city	Develop a concept plan for the Beaton Park Regional Precinct	Y		The concept plan is currently 80% complete, however has been placed on hold to complete the detailed design of the tennis courts. The finalisation of the precinct plan will recommence in the New Year.

Operational Plan 2021-2022 Progress continued

<i>Community Goal</i>	<i>Annual Deliverable</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Comment</i>
	Design and construct the Longyan Friendship Garden		Y	This project is on hold.

Operational Plan 2021-2022 Progress continued

Delayed, deferred or cancelled due to COVID-19

The following Annual Deliverables were delayed, deferred or cancelled due to COVID-19:

Goal 1: We value and protect our natural environment

- Coordinate Council's environmental programs and events including: Bushcare, FiReady, Dunecare and Greenplan;
- Provide opportunities to work with volunteers, community groups and government to actively participate in urban greening;
- Manage volunteering and other activities at Greenhouse Park;
- Coordinate the Community Service Order program.

Goal 2: We have an innovative and sustainable economy

- Provide funds to support Wollongong's ability to attract and retain a tourist ship visitor economy through on shore day visits;
- Support relevant agencies, business and industry to advocate for the establishment of a cruise ship terminal in the port of Port Kembla.

Goal 3: Wollongong is a creative, vibrant city

- Host six major events reflecting priority sectors and contribute to the acquisition and management of signature events;
- Deliver the annual Viva La Gong Festival;
- Deliver the Living Books program;
- Develop improvements in the Arts Precinct within the context of the Arts Precinct Concept Design.

Goal 4: We are a connected and engaged community

- Work with Friends of Wollongong City Libraries to improve resources within libraries that are generated with funding from fundraising activities.

Goal 5: We have a healthy community in a liveable city

- Provide a variety of affordable senior programs at the leisure centres;
- Support the delivery of programs that provide social connection for frail aged people and their carers;
- Conduct food handling awareness programs for school and volunteer run sporting body kiosks and canteens;
- Develop and conduct in partnership with NSW Health, a skin penetration education and awareness raising program highlighting the requirements of the Public health Act 2010 and Public Health Regulation 2012.

Goal 6: We have sustainable, affordable and accessible transport

- Promote access to Community Transport services to meet the needs of eligible consumers.

GOAL 1: WE VALUE AND PROTECT OUR NATURAL ENVIRONMENT

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

During the quarter, there was an increased presence of social media activity as well as outdoor banners, posters in libraries and presence in newsletters and 'what's on' pages online.

Overall, there were seven workshops conducted. Topics included cloth nappies, worm farming, composting and 'Christmas all wrapped up.'

Wollongong's social enterprise Green Connect were one of 15 global groups and individuals to receive the Commonwealth Secretary-General's Award for Innovation in Sustainable Development. Council is proud to support the work of Green Connect and extends congratulations for this award and international recognition.



[Image: Green connect partner at the community garden]

GOAL 1: WE VALUE AND PROTECT OUR NATURAL ENVIRONMENT

Expand the public place recycling program

During the quarter, Council rolled out yellow-lidded recycling bins in Stanwell Park and Thirroul foreshore as part of a new trial program. The results of the trial provided insight to how the community responded at two of the seventeen beaches across the region. The introduction of recycling bins to these popular spaces was part of Council's broader strategy to improve foreshore areas and gain a better understanding of community behaviour and usage of these bins.

The trial was expanded throughout December 2021 in foreshore hotspots and will continue throughout the summer period. Additional bins and sorting of waste is now being trialled across 13 locations from Stanwell Park to Windang. This is important as these public spaces are known to be busy summer destinations for our residents and visitors. The trial is in addition to the existing public space recycling locations at Crown St Mall and Port Kembla Pool.



[Image: Public Place Recycling Trial Bins]

GOAL 1: WE VALUE AND PROTECT OUR NATURAL ENVIRONMENT

Deliver waste minimisation programs in accordance with the Waste Strategy

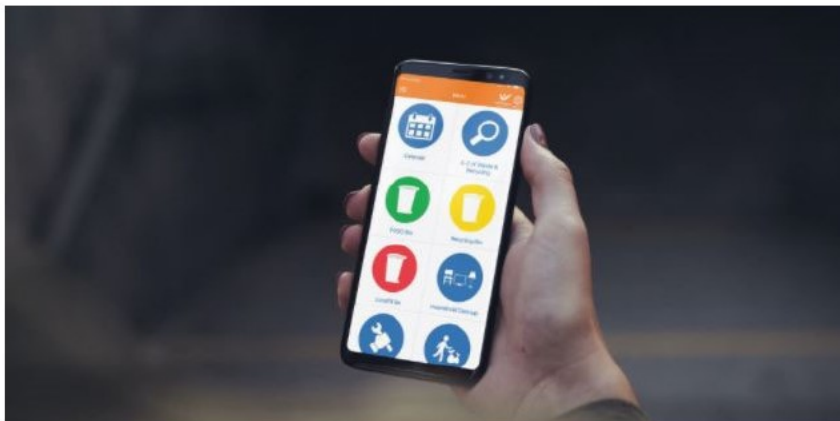
The new Wollongong Waste App was launched in November, providing residents quick, easy and up-to-date access to Council's recycling and waste services. Features of the app include:

- a personalised bin collection calendar;
- reporting avenue for illegal dumping;
- an A-Z guide of Waste and Recycling;
- booking a household clean-up;
- booking bin repairs.

The app provides in-depth information on which of the three (green, yellow and red lidded) household bins to use and details on what is accepted at the Community Recycling Centre at Kembla Grange. The app also provides the latest information on recycling and reduces the need for a brochure that quickly goes out of date.

Work on an Environmental Education Strategy also progressed during the quarter.

A summer cleansing education program was also developed, with face to face education across 13 sites in December and 330 people engaging in the program. The program will continue until end of January and will include cross-promotion with the Food Organics Garden Organics (FOGO) and *Plastic Free Wollongong* campaigns.



[Image: Wollongong Waste App]

GOAL 1: WE VALUE AND PROTECT OUR NATURAL ENVIRONMENT

Implement and review annual water and energy saving actions

During the quarter, work continued on the draft *Towards Net Zero Buildings* strategy. This strategy will be presented over the next quarter for progression to Council and public exhibition.

The Administration Building Solar Carpark has now been commissioned and is currently reducing the building's net consumption. Initial data indicates that the system will generate up to 25% of the buildings energy.

Current data is indicating that the system is generating the equivalent amount of energy consumed by Corrimal Tourist Park. This saving compared with previous upgrades will see the building's energy related footprint decrease by 75% relative to the established baseline. Based on the success of the project, Council is developing similar projects for other sites such as Ribbonwood Community Centre.

Council is also progressing the utilisation of battery technology to aid in demand management at two of the tourist parks.

Coordinate a range of Water Safety education programs to enhance safe community access to beaches

In December, rock fishers and boaters who use the waters off the Wollongong coastline for recreation had the opportunity to attend two on-site information sessions which were organised by Council in collaboration with NSW Police, Transport for NSW (Maritime) and Surf Life Saving Illawarra.

The sessions were delivered by a range of safety experts offering advice on safer rock fishing and boating.

Council's water safety educational animation video has been made available to schools, TAFE and University of Wollongong students. The video is also available to the general public via the QR code at the 17 patrolled beaches across the Local Government Area.



[Image: New Water Safety signage at Port Kembla]

GOAL 1: WE VALUE AND PROTECT OUR NATURAL ENVIRONMENT

Continue the review of the West Dapto Land Release area including the Vision, Structure Plans and Local Infrastructure Plans

On 1 November 2021 Council resolved to progress new boundary and names for Suburb A and B as part of the West Dapto Suburbs Review. The proposed suburb names being 'Stream Hill' and 'Kembla Grange'. Suburbs C (Huntley) will be considered for further review at a later date following the outcome of Geographical Names Board process working to resolve duplication of the suburb name with Orange Council. Avondale will not be reviewed further at this time.

On 18 October 2022, Council adopted amendments to the Neighbourhood Planning Process at West Dapto via changes to Chapter D16 West Dapto Release Area of Wollongong DCP 2009. The Development Control Plan (DCP) changes became effective on 12 November 2021.



[Image: West Dapto land release]

GOAL 1: WE VALUE AND PROTECT OUR NATURAL ENVIRONMENT

Implement climate change and sustainability program actions from Sustainable Wollongong 2030, Climate Change Mitigation Plan 2020 and the Climate Change Adaptation Plan.

A key highlight for this quarter is Council endorsement of the Draft Climate Change Adaptation Plan for public exhibition in November 2021. This important strategic document outlines the practical actions that can be taken to protect the community from climate change impacts. The draft Plan represents the final step in Council's initial climate action commitments under the Global Covenant of Mayors for Climate and Energy and forms part of Council's response to the declared climate emergency, in combination with the adopted Climate Change Mitigation Plan.

Additional activity across the quarter included the continuation of climate change and sustainability program actions and the finalisation of the Environmental Education Strategy. Climate Change Mitigation Plan actions included 15 actions either completed or ongoing, 28 actions are in implementation phase and 24 are in planning phase.

In November 2021, Council was awarded the Local Government NSW (LGNSW) Excellence in the Environment Awards Local Sustainability Award for 2021. This award recognises Council's ambitious *Sustainable Wollongong 2030: A Climate Healthy City Strategy*.

The strategy shares Council's commitment to sustainability for both Council operations and the broader community. It is an important document that brings together Council's many programs, initiatives and environmental strategies while also providing strategic direction.



[Image: Local Government NSW Excellence in the Environment Awards Local Sustainability Award]

GOAL 1: WE VALUE AND PROTECT OUR NATURAL ENVIRONMENT

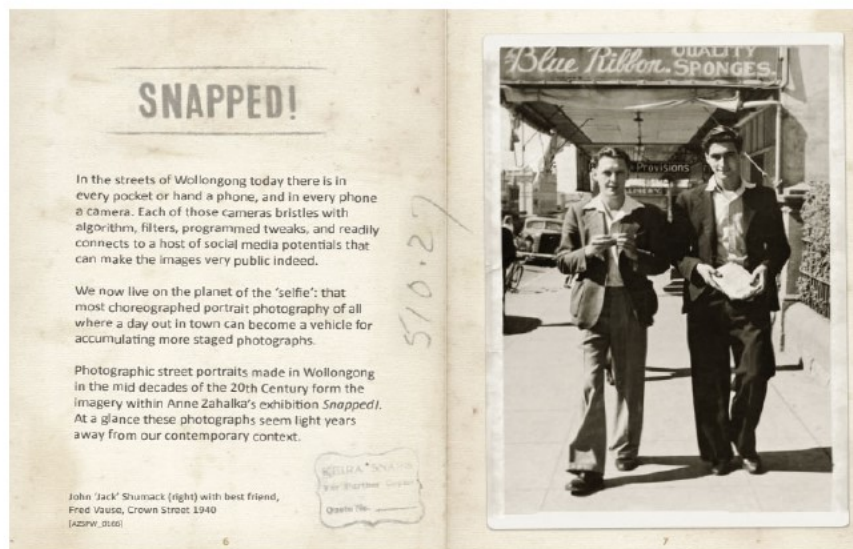
Develop and deliver diverse Local Studies Library projects that contribute to the preservation and continued relevance of local history and community stories

During the quarter, Council staff completed the following:

- 461 images were catalogued for the Illawarra Mercury image project;
- 530 negatives digitised (preserved) and prepared for cataloguing for the Illawarra Mercury negative project;
- 15 maps were digitised and attached to catalogue records for the Local Studies digital collection;
- online stories (including 22 retrospective recordings from archives) were added to the Illawarra Stories website;
- 37 oral histories were fully transcribed on the Amplify platform and 12 transcriptions formatted and added to Illawarra Stories website;
- 186 new records (monographs, manuscripts, images and indexed articles) were added to the Local Studies collection.

Additional projects for this quarter include:

- the 2021 Primary School Local History Prize winner was announced at East Corrimal Public School assembly to Year 4 student Griffin;
- Brian Rogers donation (significant Illawarra industrial historian) - final items were collected and stored ready for sorting;
- 11 spring themed online puzzles were added to the Library website;
- collaboration with Wollongong Art Gallery for the *Snapped: Street photography of the Illawarra* exhibition (11 December to 20 February 2022)



[Image: SNAPPED Exhibition program]

GOAL 1: WE VALUE AND PROTECT OUR NATURAL ENVIRONMENT

Performance Measures Q2 2021-2022

- Participation rate in environmental programs * | 1,386 (Q2 2020-2021 – 16,815)
- Number of volunteers for Environmental Programs - Greenhouse Park | 0* (Q2 2020-2021 – 21)
- Plants Propagated | 4,984 (Q2 2020-2021 – 16,487)
- Plants Distributed | 4,144 (Q2 2020-2021 – 19,930)
- Tonnes of Rubbish collected from clean-up activities | 13 (Q2 2020-2021 – 10.63)
- Number of volunteers worked at Bushcare and FIReady sites* | 0 (Q2 2020-2021 – 300)

* Impacted by COVID-19

GOAL 2: WE HAVE AN INNOVATIVE AND SUSTAINABLE ECONOMY

Deliver increased City Centre marketing and activation initiatives to support local and regional economic recovery in response to COVID-19

During the quarter, an Outdoor Dining Steering Group was established to progress outdoor dining policy and procedures and enable easy access to information, permissions and alfresco dining opportunities. Collaboration also continued throughout Council teams to proactively pursue outdoor dining opportunities and directly support local businesses.

One-on-one concierge services were provided to eligible businesses within key locations in the CBD as an initial pilot to test legislation, licensing and permissions. Locations included Crown Street Mall, Globe Lane, Crown Lane and Market Street. Recognising the uniqueness of each site, tailored engagement was undertaken with each business.

Key successes achieved this quarter include:

- Crown Lane - temporary closure of lane to road reserve;
- Globe Lane - extending trading area to road reserve and road closure;
- The Illawarra Hotel - extending trading area to kerbside;
- Dagwood Bar and Kitchen - extending trading area to footpath;
- Dusty Lizard Brewing - extending trading area within private land;
- Crown Street Mall - four new applications.

Council staff are also reviewing roadside sites in Port Kembla for the application of pilot parklets using a placemaking approach.

The weekly *Live@Lunch* program resumed on the Crown Street Mall stage on Wednesdays and Thursdays featuring artists from the Illawarra Folk Club and Wollongong Conservatorium of Music. In addition, four extra *Live@Lunch* performances were held on Saturdays to support artist and businesses in the lead up to Christmas. As a result of this program, some artists have been offered paid performance opportunities in surrounding venues.

Plans for the Globe Lane *Women to the Front* live music event was rescheduled to February 2022. An internal live music working group has been established to discuss upcoming programs and opportunities in the live music space.

Projects as part of the Live Music Quick Response Grant that were initially delayed due to COVID-19 restrictions commenced during the quarter.

The Business Support Program for local businesses, in partnership with Investible concluded. This program was an important element of Council's broader COVID-19 business support program adopted at the meeting of 2 August 2021.

GOAL 2: WE HAVE AN INNOVATIVE AND SUSTAINABLE ECONOMY

A buy local campaign, *We Shop the Gong* was launched. The campaign aims to drive spending at local businesses to support the local economy. The campaign included a range of advertising materials, including a new webpage, dedicated social media campaign, and a range of merchandise and collateral to support local businesses and encourage residents to shop the Gong.



[Image: We Shop the Gong campaign]

In partnership with NSW Government and the University of Wollongong, deliver the Invest Wollongong program to position Wollongong as a superior business location

During the quarter, the Invest Wollongong digital advertising campaign was finalised. Presentations were made to key groups on the findings including Council's Executive Management Committee, UOW's Strategic Marketing team, the board of the Illawarra Chapter of the NSW Property Council and local commercial real estate agencies.

Key highlights of the digital advertising campaign include:

- 13.6M impressions, over 53,000 clicks through to the Invest Wollongong website (960% increase), 443 downloads of the Office Market Prospectus and 38 website enquiries. Over 90% of users who visited the Invest Wollongong website via the digital advertising campaign were new visitors to the site;
- 1,065 people who searched 'office space in Parramatta' (or similar terms) in Google search engines decided to click on the Invest Wollongong search ads, which resulted in intercepting traffic searching competitor locations;
- Display advertising performed strongly in Professional Services audience, with Invest Wollongong banner ads delivering 17,321 clicks through to the website, a click through rate approximately 400% above benchmark;
- The Invest Wollongong video campaign on YouTube and Facebook was effective and efficient, indicating content was engaging and aligned well with the interests of the target audience. The strongest performing video was the 15 second video, with over 170,000 completed views on YouTube.

GOAL 2: WE HAVE AN INNOVATIVE AND SUSTAINABLE ECONOMY

Other targeted marketing initiatives over the quarter include:

- Continued advertisement in the latest edition of Coal Coast magazine, aimed at residents who may own or work in business based in Sydney to consider Wollongong as a location for business or work;
- Followers of Invest Wollongong's LinkedIn page grew to 1,789 over the quarter. LinkedIn followers have increased 38 % since the beginning of 2021;
- Based on the success of the Invest Wollongong video series, filming started on a new series of videos profiling Wollongong start-ups;
- The final quarterly newsletter of Invest Wollongong was released, profiling new figures on the ongoing transformation of Wollongong CBD from an office market perspective and the region's clean energy sector among other items.

Following the success of the digital advertising campaign, work started this quarter for a new campaign in 2022.

Planning has commenced for an event at Parliament House in March 2022, in conjunction with Wollongong 2022 and Destination Wollongong, to mark '6 months to go' until the 2022 UCI Road World Championships.

Plan and deliver staged implementation of Crown Street West improvements

Two projects are being implemented along Crown Street West, providing new kerb, gutter and footpaths to the requirements of the City Centre Public Domain Technical Manual. within the 2021-2022 financial year. These projects includes:

- Crown Street West - Railway Parade to Gladstone Street – [North Side]: this project reached practical during the quarter;
- Crown Street West - Railway Parade to Gladstone Street [South Side]: design works continued during the December quarter. Design is anticipated to be completed during 2021-2022 with construction programmed for 2022-2023.

This will complete all areas in Western Crown Street identified as Core Streets within the City Centre Public Domain Technical Manual (excluding sections of Crown Street affected by the proposed WIN block redevelopment).

GOAL 2: WE HAVE AN INNOVATIVE AND SUSTAINABLE ECONOMY

Deliver a Wollongong Art Gallery Education and Public Program

Due to COVID-19 restrictions, Wollongong Art Gallery's (WAG) face-to-face education and public program activities have been suspended, rescheduled or where appropriate, delivered online. WAG has been conscious of ensuring the community continues to have opportunities to engage with and participate in art and cultural experiences and activities. We have also been active in continuing to support local artists and creatives whose employment opportunities have been impacted by COVID-19.

In this Quarter, WAG has created and delivered the following online programs:

The following education programs were created and delivered:

- Home - a student photography competition was delivered for primary and secondary students to reflect positive things in life at home. The competition was promoted on YouTube and Instagram and had 244 entries;
- ARTSmart - two lessons were held in term four - Day of the Dead and Sydney Harbour After Cézanne;
- Digital Excursion - an online self-directed tour was available for primary education titled 'Ways to Water';
- Primary and secondary school education resources were developed including:
 - a watercolour jellyfish painting lesson and exhibition activity sheet;
 - watercolour painting techniques demonstration and exhibition activity sheet;
 - cardboard galah relief sculpture demonstration and birds and language exhibition worksheets for primary students and secondary students.

The following public programs have been created and are scheduled to be promoted on YouTube, Instagram and Facebook over the next two months:

- *FLOW* Watercolour Prize exhibition walk-through;
- painting a 'Breaking Wave' in watercolour workshop with artist Ann Clarke;
- painting buildings in Acrylics with artist Melissa Ritchie;
- birds and Language walk-through.



[Image: 'Home' student photography competition Year 12 winner, Tobias Moore's entry: 'Œufs sur une assiette.']

GOAL 2: WE HAVE AN INNOVATIVE AND SUSTAINABLE ECONOMY

Performance Measures Q2 2021-2022

- Number of visitations to the tourism information centres* | 6,106 (Q2 2020-2021 – 13,570)
- Tourist Park occupancy rate of cabins * | 48% (Q2 2020-2021 – 71%)
- Occupancy rates of paid on street parking* | 52% (Q2 2020-2021 – 75%)
- Tourist parks occupancy rate of unpowered sites* | 19% (Q2 2020-2021 – 39%)
- Tourist parks occupancy rate of powered sites* | 35% (Q2 2020-2021 – 53%)

*Impacted by COVID-19

GOAL 3: WOLLONGONG IS A CREATIVE, VIBRANT CITY

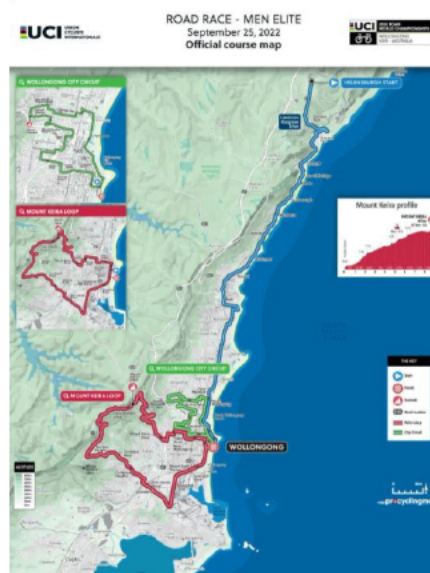
In conjunction with the Local Organising Committee, prepare for the 2022 UCI Road World Championship

The announcement of the course for the UCI Road World Championships – Wollongong 2022 on 10 December 2021, represented a significant milestone for this major event. The championships are one of the top five sporting events in the world and during September 2022, Wollongong will host the world's top cyclists riding the streets in competition for the coveted rainbow jersey.

Preparations for the event continued throughout the quarter with negotiations progressing in relation to the Host City Agreement. A submission was also made to the NSW Government relating to the enactment of the Major Events Act 2009.

Work continued by Wollongong 2022 on task identification, risk assessment and development of design and capital works for the course. Council was represented on the All Agencies Traffic and Transport Group to ensure the event course and associated works interface with state and local road network and traffic management requirements.

Council continued to chair the All Agencies Communications and Engagement Group to ensure coordinated communications and engagement with the community.



[Image: 2022 UCI Road World Championships course]

GOAL 3: WOLLONGONG IS A CREATIVE, VIBRANT CITY

Deliver Council's annual community events program

During the quarter, The Lord Mayor's Giving Tree and Biker's Toy Run events were delivered in an alternative format due to COVID-19 restrictions. The Bikers Toy Run was well attended with bikers bringing their donations to the Lord Mayor's Giving tree into the city centre.

New Year's Eve celebrations were delivered in a COVID safe reduced format with 9pm Fireworks being held at Belmore Basin, activation of the accessible area and a photographic projection on Wollongong Flagstaff Hill lighthouse on a five-minute loop from 8.30pm to 10.30pm for passers-by to enjoy.

The New Years Eve fireworks were fired higher into the sky which maximised the visibility across the city so people didn't have to be located right on the harbour to enjoy the show.

Road closures were in place for community safety around Belmore Basin between 8pm and 9.30pm

Council worked closely with the NSW Government to ensure that the plans for New Years Eve complied with the Public Health Orders.

The nominations for the Australia Day awards opened during the quarter with scenario planning and coordination of the event under way.



[Image: New Years Eve Fireworks]

GOAL 3: WOLLONGONG IS A CREATIVE, VIBRANT CITY

Deliver the Public Art Strategy

The renewal of the Public Art Strategy 2022 - 2025 progressed during the quarter. External engagement was undertaken on a set of key principles and internal stakeholder meetings have been completed across the organisation, with strategic actions being refined.

Public Art projects delivered this quarter include:

- New artwork for the Ngaraba'aan Trail in Port Kembla - Eye on the Horizon at Hill 60;
- Entry statement and way finding signage for Bellambi;
- Three new murals in Fairy Meadow and Tarrawanna;
- Guest Park skatepark mural

New artwork for the Grand Pacific Walk/ Moranga Park is tracking well.

The MacCabe Park mural undertaken in partnership with the Disability Trust - 'We are us' was nominated for a NSW Youth Work Awards 2021.

Unscheduled maintenance was undertaken on the MacCabe Park mural due to extensive Graffiti and repairs to Ethel Hayton Walkway lightboxes. An action plan for the repair of the MM Beach Ngaraba'aan Trail artworks is underway.



[Image: Guest Park [Fairy Meadow] Mural with artists Gammo and Ki-tsy]

Manage the Merrigong funding agreement for IPAC and the Town Hall

With the easing of COVID-19 restrictions during the quarter, the Merrigong team returned to delivering several successful live events for a cross-section of community and professional venue hirers. While there was still some hesitancy in audiences returning to the theatre, most shows were well-attended.

GOAL 3: WOLLONGONG IS A CREATIVE, VIBRANT CITY

Local audiences have showed great support and enthusiasm for end of year concerts held at the Illawarra Performing Arts Centre (IPAC) by local dance and performance arts schools. Comedy audiences have been treated to satirists The Chaser/The Feed's The War on 2021 and the Sydney Comedy Festival Showcase.

The Wollongong Town Hall saw local drag stars taking the stage in *The Emancipation of Roxee Horror*, as well as several successful local music acts held in The Music Lounge. The Music in the Morning program featured a Hooked on Classics Christmas special for an appreciative audience of seniors.

Notably, *The Strangeways Cabaret*, a rollicking cabaret curated, directed, and performed by Wollongong's only professional theatre company, premiered at The Music Lounge in December, marking a new departure for *The Strangeways Ensemble*. The ensemble is Merrigong Theatre Company's permanent company and consists of seven artists who are neurodiverse or living with disability. Each performer worked with an artist mentor to hone in on an area of interest, be it song writing, storytelling or drag. The performance was both hilarious and moving and, on Saturday night, the Ensemble received a standing ovation.

The theatre year ended on a high note, with the long-awaited Bluey's Big Play, the live adaptation of the global children's television phenomenon at IPAC from 20 December to 3 January. This show had been cancelled several times previously due to COVID-19 restrictions.

Merrigong has been successful in its application to Create NSW to be a host organisation for *Createability* – a program of internships for people living with disability. We will welcome our intern, in February 2022 where she will work as an Associate Producer for a number of weeks.



[Image: *The Strangeways Cabaret Show* by the Merrigong Theatre Co. during December 2021]

Manage and deliver exhibition and collection programs at the Wollongong Art Gallery

During the quarter, the Wollongong Art Gallery reopened to the public on 19 October. While the Gallery has reopened, the exhibition program remains impacted by prior COVID-19 restrictions. Several exhibitions planned during the closure were re-programmed to the December quarter, or into 2022.

Exhibitions carried over from last quarter include:

GOAL 3: WOLLONGONG IS A CREATIVE, VIBRANT CITY

- Alchemical Worlds;
- LORE;
- Saxon Reynolds: *Wunderkammer*;

New exhibitions opened during the quarter include:

- *FLOW* National Contemporary Watercolour Prize. Generated by the Gallery, this is Australia's largest watercolour prize. 160 works from around Australia were submitted for this exhibition, which was judged by noted writer, critic and presenter, Dr. Andrew Frost.
- *Birds and Language* – part of the Visiting Curator program, the exhibition includes works from the Gallery collection, as well as 18 contemporary artists. This exhibition investigates the origin of language and its role in developing culture.
- *Ways to Water* – an interdisciplinary exhibition investigating the environmental changes to coastal waterways and ways of coastal living since white settlement. The exhibition includes a purpose-built website with QR code access to extended art, cultural and scientific information.

Snapped! Street Photography in Illawarra. An exhibition by highly regarded Australian photo-media artist Anne Zahalka re-examining and bringing new insights into the candid moments of people doing every day, mundane things in the Illawarra from the 1930's.

In-person visitation to 12 December 2021 was 3,982. Online engagement included 8,749 YouTube views; 4,696 Facebook engagements and 3,266 Instagram followers. Total engagements 20,693.

New acquisitions to the collection this quarter include:

- E Phillips Fox – Stanwell Park, oil painting on canvas, 1914;
- William Yang – the Story of Joe, video and still photograph, 1979;
- Virginia Settle – Landscape as Gender, 3 photographs, 2020
- Staff are currently processing a gift by a private collector through the Cultural Gifts program of 11 contemporary Aboriginal Artworks from around Australia.



[Image: Wollongong Art Gallery – Flow Contemporary Watercolour Prize 2021 winner, 'Botticelli Columns' by Wayne Davis]

GOAL 3: WOLLONGONG IS A CREATIVE, VIBRANT CITY

Performance Measures Q2 2021-2022

- Library visitations** | 222, 113 (Q2 2020-2021 – 300,781)
- Library – total number of loans* | 144, 498 (Q2 2020-2021 – 293,300)
- Library programs: number of programs* | 127 (Q2 2020-2021 – 556)
- Library programs: number of participants** | 853 (Q2 2020-2021 – 12,348)

* Impacted by COVID-19

^Change in mode of delivery to include online participants

GOAL 4: WE ARE A CONNECTED AND ENGAGED COMMUNITY

In consultation with the community, develop a new Community Strategic Plan, Delivery Program and Operational Plan

During the quarter, Council completed Phase 2 of Community Engagement in the development of the Community Strategic Plan. Phase 2 of engagement commenced on 6 September and ran through to 18 October 2021. During Phase 2 a range of methods were implemented to provide our diverse community with the opportunity to provide their ideas and aspirations these included:

	Engagement through art Artwork submitted as part of the 'I love Wollongong because...' campaign was displayed at key locations with a call to action and a QR code which led to our online engagement tool.
	Discussion Paper The Paper set the context for reviewing the Community Strategic Plan including an environmental scan to see what may have changed since Our Wollongong 2028 was developed in 2017.
	Postcards Reply Paid postcards were distributed to every home in the LGA. The postcard invited the recipient to respond to the question 'Imagine Wollongong Local Government Area 10 years from now, what would you like to see?'.
	Community Circles A community circle is a structured conversation with a group about a set topic. Kits were provided to guide the conversation and capture feedback. A video was also developed to explain the approach.
	Our Wollongong Our Future: survey A survey on Engagement HQ provided an opportunity for the community to have input into what they would like Wollongong LGA to be like in 10 years time.
	Representative surveys Specific questions were included in Council's Wellbeing Survey and Community Satisfaction Survey. These representative telephone surveys provided information about the community's aspirations for the future.
	Workshops Targeted workshops were held with government, young people, children, Aboriginal organisations and multicultural community members.



[Image: Phase 2 engagement]

GOAL 4: WE ARE A CONNECTED AND ENGAGED COMMUNITY

Actively engage people with disability and carers in the delivery, evaluation and monitoring of the Disability Inclusion Action Plan 2020-25

International Day of People with Disability (IDPWD) is held annually on 3 December. The aim is to celebrate the achievements of people with disability and increase awareness and understanding. To mark the day, information sessions 'Conversations about Inclusions' were organised for Council's management team. Small group conversations were held with local guest presenters, who shared their stories and experience of living with disability.

The day was also celebrated by Wollongong City Library (WCL) hosting a Making a Gingerbread House workshop with an AUSLAN interpreter to assist members of the deaf community, with the Deaf Society promoting the session on their social media. Other sessions were held in partnership with the Guide Dogs NSW/ACT, one for adults in the morning, which also had four Guide dogs in attendance and one session after school for families who have a child with a vision impairment.

In addition, an Accessible Beaches webpage was developed and launched as part of IDPWD. This webpage has been forwarded to Destination Wollongong to add to their tourism webpage.



[Image: Gingerbread House Workshop at Wollongong City Library]

GOAL 4: WE ARE A CONNECTED AND ENGAGED COMMUNITY

Deliver a diverse range of community engagement opportunities to inform and guide development and delivery of Council business

A range of engagement opportunities were undertaken this quarter.

The community was invited to share their thoughts on a draft vision, guiding principles and key focus areas for the next Sportsgrounds and Sporting Facilities Strategy. Feedback was received from a variety of sporting groups, representative bodies, participants of non-traditional sporting groups, young people as well as general community. Feedback will be used to inform the development of the strategy before being placed on public exhibition.

Two online information sessions were held for community members during the exhibition of the draft Climate Change Adaptation Plan. In these sessions, the community were able to learn more about the plan, ask questions and provide feedback.

For the Retail and Business Centres Study, the community was asked to tell Council about the town and village centres they often visit, what they like about them and their ideas on how they could be improved. 230 surveys were completed by our community. This information will guide the draft Study that will be shared for community feedback in 2022.

Council invited the community to share what they love about Wollongong, their ideas and their vision for the future to support the development of the next Community Strategic Plan (CSP). Over 3,000 people provided their ideas through surveys, images, emails and by participating in forums or community circles. The community's ideas will be used to draft the next CSP. A check in with the community will occur in May 2022 to ensure the revised CSP reflects the ideas heard.

Following public exhibition of the draft Mobile Food Vending Policy and trial, feedback was collected from the community and businesses. With the trial commencing in December, Council is working with the community to share their thoughts on food vans and trucks trading at several public locations. Signs will be placed at 15 different site locations and letters and emails sent to residents, business and other stakeholders, all with links and QR codes to online surveys.

As part of the West Dapto Suburb Review Project, we asked the community to comment on a shortlist of names for Suburb A - the western portion of Kembla Grange. The shortlist was created following extensive general community engagement. Two working parties were established to research the names the community suggested. The Community Working Party reviewed all non-Aboriginal names and the Aboriginal Community Working Party researched Aboriginal names and made recommendations. A report to Council was prepared with the name Stream Hill endorsed as the preferred name for Suburb A.

Discussions have also continued with Aboriginal stakeholders about the culture and heritage at William Beach Reserve, near Mullet Creek, Dapto. The information and knowledge collected will be used to inform wording and design of signs at the site, incorporating local art.

GOAL 4: WE ARE A CONNECTED AND ENGAGED COMMUNITY

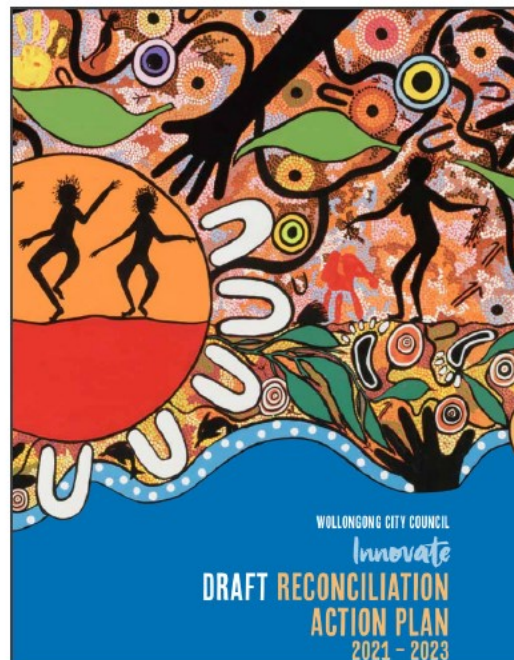
Identify additional opportunities for working in partnership with the local Aboriginal community

During the quarter, the draft Innovate Reconciliation Action Plan 2021-2023 (RAP) was endorsed by Council and Reconciliation Australia. An Innovate RAP is a strategic document approved and endorsed by Reconciliation Australia, that explains an organisation's vision for reconciliation. This RAP is delivered over a two-year period and requires annual reporting on the progress achieved to deliver actions in the areas of 'Relationships, Respect and Opportunities.' The implementation plan offers practical actions that will drive Council's contribution to reconciliation within the organisation and broader community.

To develop the RAP, Council staff worked closely with Custodians and representatives from Council's Aboriginal Reference Group, Illawarra Aboriginal Medical Service, Illawarra Local Aboriginal Land Council and the Illawarra Aboriginal Corporation.

The document will guide Council's actions toward building an inclusive community by working together, promoting respect, creating opportunities and building on our community's existing strengths.

Throughout the quarter, Council worked with members of the Coomaditchie United Aboriginal Corporation to develop artwork and the dreaming story for the book installation, ceramic coolamons and frog (concrete) at Cringila Hills Playground. The book was installed in December with stories showing the connection between the frog and coolamons in an illustrative and sensory way.



[Wollongong City Council Innovate Reconciliation Action Plan 2021-2023]

GOAL 4: WE ARE A CONNECTED AND ENGAGED COMMUNITY

Deliver civic activities which recognise and celebrate the city's people

On the 18 October 2021, Council resolved to acknowledge the achievements of local swimmer Emma McKeon by naming the North Beach Promenade and Terraces in her name.

Emma won seven medals in Tokyo, a medal for every event competed in. Along with medals from previous Olympics, this brings her current medal haul to 11, more than other athlete in Australian history.

The North Beach Promenade and Terraces are currently under construction at North Wollongong beach, with Stage 1 due mid-2022. Stage 1 lies in the area directly east of Diggies North Beach Kiosk and north beyond the North Wollongong Surf Club.



[Image: Local Olympic swimming champion, Emma McKeon]

GOAL 4: WE ARE A CONNECTED AND ENGAGED COMMUNITY

Performance Measures Q2 2021-2022

- Sick Leave | 6.43 Days (Q2 2020-2021 – 7.72 days)
- Carers Leave | 0.49 Days (Q2 2020-2021 – 0.64 days)
- Lost Time Injury Frequency Rate | 12.45 (Q2 2020-2021 – 15.12)
- Workers compensation costs as a percentage of payroll | 1.9% (Q2 2020-2021– 1.8%)
- Number of media releases issued | 82 (Q2 2020-2021– 47)
- Number of Council Facebook page 'likes' | 36,670 (Q2 2020-2021 – 27,688)
- Number of Twitter followers for Council | 6,918 (Q2 2020-2021 – 6,080)
- Telephone calls are answered within 30 seconds | 89% (Q2 2020-2021 – 88%)
- Enquiries made in person are welcomed and attended to within 5 minutes* | 96% (Q2 2020-2021 – 95%)

* Impacted by COVID-19

GOAL 5: WE HAVE A HEALTHY COMMUNITY IN A LIVEABLE CITY

Deliver the funded actions of the Ageing Plan 2018-2022

During the quarter, Council participated in the Prevention of Older Persons Abuse (POPA) Network. The aim of the working group meeting of POPA stakeholders was to develop an initiative to raise awareness of elder abuse amongst our local culturally and linguistically diverse communities.

Phase 2 of the Older Men and Social Connection Project is underway. This quarter saw stakeholder meetings being held to promote and gain support for the project. A workshop with male Council officers was facilitated to better understand the current activities happening across Council and guide the development of the project.

An application submitted to NSW Government Reducing Social Isolation for Seniors Grant Program was successful. As a result, in 2022 a well-being program will be delivered that connects seniors while learning how to use outdoor fitness equipment to build strength, balance and flexibility.



[Image: Council's Ageing Plan 2018-2022]

GOAL 5: WE HAVE A HEALTHY COMMUNITY IN A LIVEABLE CITY

Focus on placemaking projects in partnership with the local community

During this quarter, an internal Outdoor Dining Steering Group was established to discuss and progress outdoor dining policy and procedures and enable easy access to information, permissions and alfresco dining opportunities. A working group was established to proactively pursue outdoor dining opportunities and directly support local businesses.

A placemaking 'precinct' approach was adopted to pilot several key sites within the CBD (Globe and Crown Lanes), to create alfresco dining hubs which were people centred and attractive to restaurant/bar patrons and local pedestrian traffic. Parklets are in the design phase for trial in Port Kembla in the new year.

A connected program of decorations and marketing communications under the theme 'A Season of Joy', encourage the community to find, share, create and feel joy in the CBD. This is the first season where all CBD digital marketing channels are active, and Christmas has been promoted holistically, with events such as GPT Santa Photos, Creative Container activations, mall decorations, CBD business promotions and events, Giving Tree and Biker's Toy Run and Black Friday sales brought together into a centralised communications point and integrated into the Season of Joy theme with a place-based focus.

Carve A New Trail project was delivered which has seen young people co-design bike tracks in legal spaces, reducing the impacts illegal trails have on the natural environment. In this period, tracks were constructed in Dapto, Fairy Meadow and Bulli.



[Image: Wollongong CBD at Christmas]

GOAL 5: WE HAVE A HEALTHY COMMUNITY IN A LIVEABLE CITY

Offer a program of activities in libraries to celebrate and engage with our diverse community

The Home Library Service continued to take on new individual and aged care facility customers throughout the quarter. Current Home Library membership remains at 416. There were 12 new customers and 14 resignations during this period. The majority of Home Library Service volunteers have returned to the Library to assist in delivering customer service.

As the Library reopened throughout the quarter, face-to-face Tech Help sessions resumed, with several tech sessions specifically for MyGov. Services Australia attended, giving customers an opportunity to quickly link their vaccination certificate with the Service NSW app, for a faster check-in experience. Other Tech Help sessions were arranged with customers as needed.



[Image: Home library service volunteers delivering books to a customer]

GOAL 5: WE HAVE A HEALTHY COMMUNITY IN A LIVEABLE CITY

Pursue key actions outlined in the 2017-2021 Sportsgrounds and Sporting Facilities Strategy

A number of key initiatives of the Sports Ground and Sports Facilities Strategy are being progressed during 2021-2022 with a key focus on sports field lighting. During the quarter, the St James Park [Coledale] lighting upgrade was completed. As part of Council's ongoing commitment to improve sporting facilities, the upgrade involved installation of new LED lighting towers at the popular football field, which will increase the time local sporting clubs can safely use the facility.

Council staff continue to collaborate with representatives of Wollongong Stingrays Football club on project managing key NSW Government Greater Cities Fund grants for fencing to improve perimeter control during the June 2022 quarter. Stage 2 drainage, seating and ground surface improvements at Guest Park Fairy Meadow are scheduled during late 2022.

During the quarter, Council engaged with the community asking them to help shape the new Sportsgrounds and Sporting Facilities Strategy (2022-2026). This strategy aims to meet the existing and future sporting needs and goals of the community. The community had 28 days to provide feedback on the Vision, Guiding Principles and Key Focus Areas for the strategy.



[Image: St James Park Coledale]

GOAL 5: WE HAVE A HEALTHY COMMUNITY IN A LIVEABLE CITY

Implement the key projects identified in the Cringila Hills Recreation Masterplan

During the quarter, the Cringila Hills Recreation Park mountain bike trails opened. This was a major milestone in the implementation of the Cringila Hills Recreation Masterplan located within Cringila Community Park and is Council's first Mountain Bike Park.

The Mountain Bike Park has an exciting mix of almost 12 kilometres of trails for riders to explore, catering to beginner and intermediate riders. The tracks have a mix of gradients, surfaces and obstacles. The trails are part of a bigger project that's transforming Cringila Hills into a landmark recreation park. The area includes a new playground and more than 3.4km of shared-use and walking trails for the broader community to enjoy. Improvements to the car park, on-site wayfinding signage, and extensive landscaping for the site have also been completed.

Work is also underway for an asphalt pump track and bike skills playground (both due to be ready mid-2022).

The Cringila Hills bike trails have been proudly funded by the Commonwealth Government under the Local Roads and Community Infrastructure Program [\$1.2M] in association with Wollongong City Council.



[Image: Local residents visiting the Cringila Hills Mountain Bike trails]

Implement actions from the Port Kembla 2505 Revitalisation Strategy in accordance with the strategy implementation plan

In this quarter, Council has continued to deliver against the Port Kembla 2505 Revitalisation Plan.

Pop-up cycleways have been constructed along Military Road along with footpath and kerb ramp improvements, connecting the harbour, station, town centre and foreshore creating safe and active transport connections for all.

GOAL 5: WE HAVE A HEALTHY COMMUNITY IN A LIVEABLE CITY

Upgrades of the amenities at Port Kembla Pool are now complete and welcoming beachgoers. These upgrades included a change area that will provide people with high support needs and their carers with the space and specialised equipment they need to enjoy Port Kembla Beach and Pool.

Detail design for Stage 1 delivery of the King George V Oval Masterplan continues. Investigations to support the design and construction of the Fisherman's Beach Access Ramp continues.

In addition, this quarter saw the installation and unveiling of Port Kembla's newest creative attraction, *Eye on the Horizon*, at Hill 60. This artwork forms part of the Ngaraba-aan Trail, a critical part of the Hill 60 Masterplan.

Eye on the Horizon was developed by artist Braham Stevens as a commemoration of the service personnel who defended the Australian coastline during the Second World War. This project was funded by the Commonwealth Government under the 'Saluting their Service' Commemorative Grants Program and supported by Wollongong and Port Kembla/Dapto Local RSL sub-branches.

The large sculpture recognises the site as a military precinct and a key location in the country's coastal defence network. The work has been designed to draw people in to consider the site's role in the Australian war effort during World War II. It has been developed to look like a large-scale curved lens with its centre capturing what would be reflected in a soldier's eye as they scanned the horizon for enemies.



[Image: Public art Eye on the Horizon]

GOAL 5: WE HAVE A HEALTHY COMMUNITY IN A LIVEABLE CITY

Deliver a range of youth development opportunities with a focus on engagement, capacity building, inclusion, belonging, sector development and support

With easing COVID-19 restrictions, this quarter a hybrid model of service delivery was provided for young people with programs being delivered online and at Wollongong Youth Centre.

What Now? Adulting 101 video series provided young people with information to navigate topics such as how to get a photo identification card, things you need to know when moving out of home, how to open a bank account, how to apply for a tax file number, rights at work and how to get a Medicare card. These videos were shared on Wollongong Youth Services social media channels.

In the lead up to the election a social media campaign was delivered to encourage young people to enrol to vote and informed them about the local government elections.

A range of engagement activities were delivered with young people including targeted engagement about Stuart Park Masterplan and Sportsgrounds and Sporting Facilities Strategy and *Carve and New Trail* bike tracks. Youth Services social media channels were also used to connect young people with general engagement opportunities being offered by Council.

'The Frog' Wollongong Youth Services directory was relaunched this quarter. The online directory provides details of local services available to young people. A campaign included social media posts and a range of collateral being distributed through high schools to their students.

Regular programs included:

- *Rainbow League and Qmunity*- support, education and social opportunities for young people who identify as Lesbian, Gay, Bisexual, Trans*, Intersex, Queer (LGBTIQ) or questioning
- *Create* - costume design and set design.
- *Acting Up* - drama and theatre performance skills and games
- *Guitar 101* - introductory guitar lessons
- *Team Ignite* - participants developed and delivered workshops
- *Teenz Connect* - online tabletop games, mindfulness and body movement
- *Hang out* - young people could drop in and hang out at Wollongong Youth Centre on Tuesday and Wednesday 3-6pm and Thursday and Friday evenings 4 -7pm.

This quarter 1,563 young people participated in programs and services.

GOAL 5: WE HAVE A HEALTHY COMMUNITY IN A LIVEABLE CITY

Implement the Beach and Foreshore Access Strategy 2019-2028

During the quarter, Council deployed beach matting at Thirroul and Austinmer beaches for the 2021-2022 summer season. The design of access ramps at priority locations including Austinmer, Port Kembla and North Wollongong are continuing. It is anticipated construction on the Port Kembla Beach access ramp will progress throughout the 2022-2023 year.

As part of Council's commitment to improve access and inclusion, an accessible Adult Change Facility (AACF) was opened at Port Kembla Beach and Pool in October 2021. The amenities upgrade provides a change facility for users with high support needs and their carers where they require additional space, assistance and specialised equipment to allow them to use toilets safely and comfortably. The completed AACF has been independently certified as meeting access requirements and will be added to the National Public Toilet Map to help people with disability and their carers plan their trips and enjoy their time at the pool and beach. Features of the AACF include:

- Height adjustable adult change table to more easily transfer a user with high support needs.
- Peninsular toilet which ensures there is enough space around the toilet to allow wheelchair transfers or assistance from carers.
- Traversable hoist to assist users and carers move between specialised equipment.
- Handbasin at appropriate height for wheelchair users.
- Auto entry sliding access door for easy access.
- Increased space to allow wheelchair users and their carers to freely move about the change facility.
- Secured access only by holders of a Master Locksmiths Access Key (MLAK).

This project was proudly funded by the Commonwealth Government Local Roads & Community Infrastructure Fund and Wollongong City Council.

Performance Measures Q2 2021-2022

- Community Transport trips* | 944 (Q2 2020-2021 -28,240)
- Direct-Run District Level Community Facilities visitation* | 33,205 (Q2 2020-2021 - 59,494)
- Utilisation of Direct-Run District Level Community Facilities* | 5,467 Hours (Q2 2020-2021 - 9,841)
- Social Support hours of service* | 1,217 Hours (Q2 2020-2021 - 9,871)
- Total Visits commercial heated pools: Corrimal* | 32,089 (Q2 2020-2021 -49,171)
- Total Visits commercial heated pools: Dapto* | 19,101 (Q2 2020-2021 -26,489)
- Utilisation/visitation at pools* | 105,755 (Q2 2020-2021 - 397,510)
- Utilisation/visitation at beaches | 524,633 (Q2 2020-2021 - 432,258)

GOAL 6: WE HAVE AFFORDABLE AND ACCESSIBLE TRANSPORT

Deliver the road resurfacing and reconstruction program

During the quarter, stage 1 of the Wongawilli Access Project progressed. Works are nearing completion along the section of road between Shone Avenue and Smiths Lane. Upgrades of this section of road include improving the stormwater system as well as widening and reconstructing the road. It's an important long-term project that aims to build the necessary infrastructure to support Wongawilli and West Dapto's growing population, reduce flood risks and improve safety.

Work on the new shared path from Smiths Lane to Shone Avenue also continued. Street trees were planted to provide natural shade to this section at the same time.

The roadworks program has been fully allocated with projects over the four years of the program out to 2024-2025. All scopes for 2021-2022 have been prepared and submitted.



[Image: Roadworks at Wongawilli]

Develop and implement a best-practice active transport data collection and evaluation program

The 2021 Wollongong Local Government Cycling Participation Survey has been completed and is now available to the community on Council's website. A fixed counter has been installed on the Smith Street pilot cycleway. A contract for three permanent counters has been accepted.

GOAL 6: WE HAVE AFFORDABLE AND ACCESSIBLE TRANSPORT

A trial for an Artificial Intelligence (AI) driven video survey commenced in late October 2021 on the Blue Mile at the tramway cutting. Further utilisation surveys are currently being programmed and through to May 2022. This data will inform future projects and evaluate recent installations.

Implement footpath and cycleway improvement programs

During the quarter, Council shared with the community planned upgrades for the pedestrian crossing on Phillip Street, Thirroul in front of Ryan's Hotel.

This crossing is a high-traffic and pedestrian area which sees many people travelling to and from local school and businesses. Carrying out these upgrades will improve driver and pedestrian visibility and make it easier for people to safely cross the road. Proposed works include construction of a raised pedestrian crossing at Phillip Street, construction of new kerb ramps and concrete blisters, construction of a short stretch of footpath at the intersection of Lawrence Hargrave Drive and Phillip Street, new line marking on the road, installation of signage and improved street lighting.

Council has developed a prioritisation process to assist in the allocation of funds to the footpath and cycleway improvement program. In 2021-2022, Council has committed \$3.7 million worth of new footpaths and \$4 million worth of new cycleways. This level of spending is reflective of increased Commonwealth and State grants funding and increased contribution from Council to deliver the Wollongong Cycling Strategy 2030.



[Image: New pedestrian crossing at Thirroul]

GOAL 6: WE HAVE AFFORDABLE AND ACCESSIBLE TRANSPORT

Collaborate with partners to fund and deliver a suite of education, information and infrastructure programs that improve cycling participation through improvements to infrastructure, amenity and safety

Council has partnered with *Ride Nation* to deliver cycling related education programs and events. With the support of the NSW Government, Council has seen a significant increased investment for 2021-2022. Work will also commence on a review of the *Share the Path* user behaviour campaign, in collaboration with riding partners and Illawarra and Shoalhaven Councils.

Council was successful in gaining Union Cycliste Internationale (UCI) legacy grant funding for the wayfinding signage project. Council staff will collaborate with the Illawarra Bicycle Users Groups (IBUG) for delivery prior to the UCI Road World Championships in September 2022.

Council is partnering with the University of NSW (UNSW) City Futures - ARC Bikeability project where the project will involve testing and simulations of bike infrastructure. Locations across our LGA will be selected as part of this project.

Council has received \$800,000 under the NSW Active Transport Program towards delivering the Grand Pacific Walk shared pathway at Clifton.

Council has successfully delivered over \$540,000 of Commonwealth Local Road and Community Infrastructure (LCRI) program funded shared user path (SUP) projects at Ursula Road and Cordeaux Road. \$1.2million of NSW Public Spaces grant has been assigned to the Fairy Creek Masterplans SUP network.

An application has been submitted for approx. \$2million in NSW Government funding for the Princes Highway, Memorial Drive to Bourke Street, Fairy Meadow and similar SUP projects.

Council staff are developing a suite of ready to construct shared user paths in collaboration with Transport for NSW, to seek future funding. These designs are almost complete.

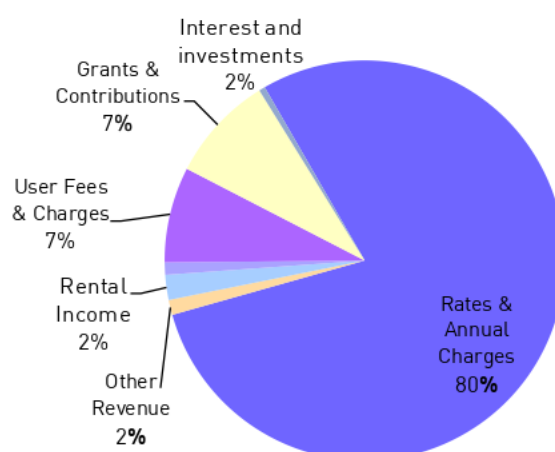
Performance Measures Q2 2021-2022

- Delivery of Council's Capital Program | 41% (Q2 2020-2021 – 43%)

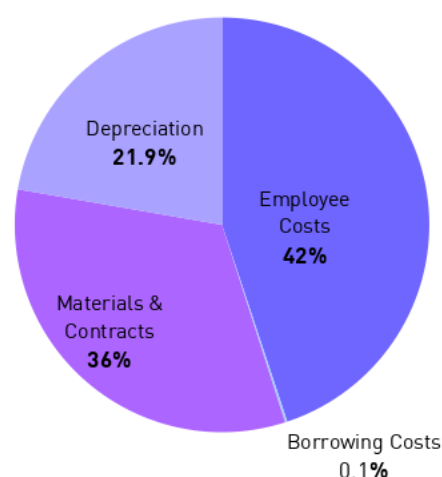
How we performed against our budgets

Budget 2021-2022

Income Type (\$M)	YTD Actual	Proposed budget
Rates & Annual Charges	109.2	216.9
Other Revenue	1.7	5.8
Rental Income	2.8	5.7
Profit on disposal of Assets	1.4	0.9
Grants & Contributions	10.7	20.1
User Fees & Charges	11.9	24.9
Interest & Investments	0.7	1.6
Total	138.4	275.8



Expense Type (\$M)	YTD Actual	Proposed budget
Employee		
Costs less Internal Charges	64.9	126.0
Borrowing Costs	0.3	0.4
Materials & Contracts	47.2	108.1
Depreciation	32.2	64.0
Loss on Disposal of Assets		
Total	144.5	298.6



Report of Chief Financial Officer

The December Quarterly Review is the second review of the 2021-2022 Operational Plan adopted in June 2021. The review of the financial estimates proposes a range of adjustments that impact on the Operating Result by \$2.5M, however, have resulted in a relatively minor improvement of \$0.1M in the Funds Result as they are offset with transfers to or from restricted cash or are non-cash adjustments.

The following table and comments provide a summary view of the proposed variations and forecast for 2021-2022 based on year to date performance and anticipated results to June 2022.

Table 1

FORECAST POSITION	Original Budget	Current Budget	Proposed Budget	YTD Actual	Proposed Variation
	\$M	\$M	\$M	\$M	\$M
KEY MOVEMENTS	July	December	December	December	Proposed Variation
Operating Revenue	281.9	276.5	275.8	138.4	(0.7)
Operating Costs	(291.1)	(296.8)	(298.6)	(144.5)	(1.8)
Operating Result [Pre Capital]	(9.2)	(20.3)	(22.8)	(6.1)	(2.5)
Capital Grants & Contributions	32.1	36.8	36.8	16.0	0.0
Operating Result	22.9	16.5	14.0	9.9	(2.5)
Funds Available from Operations	59.1	56.4	56.5	28.9	0.1
Capital Works	107.1	108.3	108.2	43.8	(0.1)
Contributed Assets	8.4	8.4	8.4	-	-
Transfer to Restricted Cash	1.9	2.8	2.8	1.8	-
Borrowings Repaid	5.5	5.5	5.5	2.7	-
Funded from:					
- Operational Funds	60.9	57.1	57.0	22.0	(0.1)
- Other Funding	54.6	59.6	59.6	21.8	0.0
Total Funds Surplus/(Deficit)	(9.1)	(9.0)	(8.8)	2.3	0.1

OPERATING RESULT [pre capital]

The proposed Operating Deficit [pre capital] estimate of \$22.8M represents a deterioration of \$2.5M, against a current budgeted deficit of \$20.3M, that is made up of both funded and cash variations. While a deficit budget is not in line with Council's Financial Strategy (to achieve a small surplus budget), it was anticipated due to the early payment (quarter earlier) of this year's Financial Assistance Grant and the impact of Council's COVID-19 relief package which was introduced in August. It does not impact Council's long term financial sustainability.

The major variations proposed in this review are summarised broadly below with further details provided through this report. Favourable variations are identified as (F) and Unfavourable as (U):

Report of Chief Financial Officer

Non-Funds Variations (no Fund impact) \$2.6M (U)

These are variations where the proposed adjustments are offset by transfer to or from restricted cash or are non-cash adjustments. These variations include:

• Domestic Waste (offset by transfer from restricted cash)	\$2.5M (U)
• Introduction of funded projects	\$0.6M (U)
• Investment revenues	\$0.5M (U)
• Depreciation adjustment	\$1.0M (F)
• Projects rephased to 2022-2023 onwards	
– Supporting Documents adjustments and re-phasing	\$0.5M (F)
– UCI projects rephased to 2022-2023	\$0.4M (F)
– Other	\$0.3M (F)
– Offset by provision for rephasing of projects	\$1.2M (U)

Funds Variations \$0.1M (F)

• Market Street Car park now Council operated	\$0.4M (U)
• Increase in Insurance Premiums	\$0.1M (U)
• Projects rephased to 2022-2023 onwards	
– Supporting Documents adjustments and re-phasing	\$0.2M (F)
– Other	\$0.4M (F)
– Projects negative contingency offset	\$0.2M (U)

OPERATING RESULT

The proposed Operating Result surplus of \$14.0M also indicates a deterioration of \$2.5M compared to current budget as there are no further changes to budget in Capital Grants or Contributions.

CAPITAL PROGRAM

During this quarter, the capital budget expenditure projections were decreased by \$2.9M through monthly adjustments that were fully offset by funding from restricted cash and have been reported for approval by Council through the monthly reporting process. There was a \$4.7M decrease in capital expenditure budget during the month of November which was predominately due to the delay of transport infrastructure projects.

FUNDS RESULT

The Current Budget deficit for Total Funds Result (annual movement in Available Funds) of \$9.0M has been revised to a deficit of \$8.8M.

Cash & Investments

The following table shows minor movements in the projections of available funds for the 2021-2022 financial year as a result of the proposed changes through the December Quarterly Review.

Report of Chief Financial Officer

Table 2

CASH, INVESTMENTS & AVAILABLE FUNDS					
	Actual 2020/21	Original Budget 2021/22	September QR 2021/22	December QR 2021/22	Actual Ytd December 2021
	\$M	\$M	\$M	\$M	\$M
Total Cash and Investments	170.9	105.5	127.4	128.4	172.5
Attributed to:					
External Restrictions					
Developer Contributions	38.7	32.3	32.0	31.7	37.0
Specific Purpose Unexpended Grants	9.8	-	4.3	6.4	8.2
Special Rates Levy-City Centre & Mal	0.3	0.3	0.3	0.3	0.4
Unexpended Loans	1.2	1.2	1.2	1.0	1.0
Domestic Waste Management	10.7	10.7	11.8	9.4	9.4
Private Subsidies	5.4	4.6	3.8	3.8	5.5
Housing Affordability	9.6	9.7	9.6	9.5	9.6
External Service Charges	-	-	-	0.1	-
RMS Contributions (previously RTA)	-	-	-	-	0.6
Stormwater Management Charge	2.2	1.7	1.9	1.9	2.7
Total External Restrictions	78.088	59.9	64.9	64.1	74.5
Internal Restrictions					
Property Investment Fund	9.4	4.3	9.2	9.3	9.4
Strategic Projects	46.6	22.8	26.8	27.6	41.2
Sports Priority program	0.9	0.3	0.3	0.3	0.9
City Parking strategy	1.1	0.8	1.0	1.0	1.2
MacCabe Park Development	1.6	1.7	1.7	1.7	1.7
Darcy Wentworth Park	0.2	0.2	0.2	0.2	0.2
Waste Disposal Facility	3.4	3.3	4.2	4.8	4.2
West Dapto additional rates	7.0	7.7	7.9	7.9	7.5
Natural Areas	0.2	0.2	0.2	0.2	0.2
Lake Illawarra Management Fund	0.4	0.3	0.4	0.4	0.4
Total Internal Restrictions	70.7	41.7	52.0	53.4	66.7
CivicRisk Investment	3.2				3.2
Available Cash	18.9	3.9	10.5	10.9	28.1
Net Payable & Receivables	4.5	9.2	4.6	4.3	(3.0)
Payables	(26.6)	(26.2)	(26.6)	(26.8)	(34.7)
Receivables	21.9	24.5	24.4	24.3	19.7
Other	9.3	10.9	6.8	6.8	11.9
Available Funds	23.4	13.1	15.0	15.3	25.0

COVID-19

The impacts of the resurgence of COVID-19 have had a clear impact on some income and, to a lesser extent, expenditure streams during this quarter. The continuation and direction of these trends is difficult to assess at this time due to the changing external environment as vaccination levels increase and the Road Map for COVID-19 recovery is developed and refined by the State Government. This is further compounded by uncertainty of how our community may respond to this.

Report of Chief Financial Officer

An assessment was made on potential impacts for this financial year based on actual impacts to key Services to the end of September, a series of assumptions on how these impacts may take shape over each of the next three quarters of 2021-2022 based on the preliminary Road Map and our experience during the first COVID-19 wave last year.

From an income perspective, the most significant variations have been in Tourist Parks that had limited occupancy during the first quarter and Leisure Centres that were effectively closed during this time and are slowly increasing in visitations. Tourist Park projections reflect that occupancy rates improved during the December Quarter and will return to similar levels as previous years for the remaining two quarters. In terms of Leisure Centres, while a recovery in the latter part of the year is assumed, this is expected to mirror the cautious approach taken by our community during the last recovery. Increased expenditure is mainly focused on additional resources for maintaining a safe environment and includes additional resources such as pool marshals. The following table provides a summary of the net anticipated financial impacts on a range of key Service areas based on these assumptions. These projections were used to inform the recommendation for the creation of a central contingency of \$7.06M.

The impact of the second wave of COVID-19 remains extremely volatile and the position is being carefully monitored, assessed and reported throughout the year to determine the adequacy of the proposed provision for COVID-19. No change to the \$7.06M provision has been proposed at the December Quarterly Review.

Estimated Impact COVID-19 2021-22 Financial Year			
Service	Revenue	Expenses	Nett Estimated Impact
	\$M	\$M	\$M
Tourist Parks	1.5	(0.5)	1.0
Aquatic Services	0.7	1.1	1.8
Leisure Services	1.8	(0.3)	1.5
Transport	0.5	(0.1)	0.4
Parks & Sportsfields	0.3	(0.0)	0.3
Property Services	0.5	(0.0)	0.5
Libraries	0.0	(0.1)	(0.1)
Community Facilities	0.4	(0.0)	0.4
Integrated Customer Service	0.0	0.2	0.2
Regulatory Control	0.5	(0.1)	0.4
General Contingency	0.0	0.8	0.8
Total	6.1	0.9	7.1

Supporting Documents

The following table shows the proposed Supporting Documents projects budget. As discussed in the September Quarterly Review, the addition of projects in progress to the 2021-2022 forecasts in addition to the existing range of projects, will create an overly ambitious target and it is recognised that there would be significant challenge organisationally for these projects to be delivered in full in the current reporting period. The projects in progress were reviewed during the December Quarterly Review, resulting in a reduction of \$0.7M, however, this will need to be monitored on an ongoing basis and, where required, budget changes will be further considered through the 2022-2023 Strategic Planning Cycle and March Quarterly Review.

Report of Chief Financial Officer

Table 3

Supporting Documents - Planning Studies & Investigations					
Service & Project	2021/22 Current Budget \$'000	2021/22 Proposed Budget \$'000	2022/23 Proposed Budget \$'000	2023/24 Proposed Budget \$'000	2024/25 Proposed Budget \$'000
Corporate Strategy	79	65	237	412	603
Centralised Studies & Plans	14	0	237	412	526
Community Strategic Plan Review	65	65	0	0	77
Infrastructure Planning & Support	156	156	156	0	0
Management of Councils Water Supply & Wastewater Infrastru	156	156	156	0	0
Land Use Planning	1,001	1,056	642	102	2
West Dapto Review	0	0	73	0	0
West Dapto Flood Risk Review	100	100	0	0	0
West Dapto Review Structure Plan	4	4	0	0	0
West Dapto Review WaterCycle Masterplan	25	0	75	0	0
Tourism Accommodation Review Planning Controls	30	30	0	0	0
Industrial Land Planning Controls Review	30	30	30	0	0
Heritage Asset Management Strategy	18	18	0	0	0
City Centre Planning Review	40	40	0	0	0
City Wide LEP Review	0	0	100	100	0
Development of Crown Land Plans of Management	123	123	90	0	0
Landscape development plan for West Dapto - for riparian cor	50	50	70	0	0
Sandon Point Interpretive Signage & Indigenous Art Consultan	29	29	0	0	0
Sandon Point Interpretive Signage & Indigenous Art	2	2	2	2	2
Battery Park, Smiths Hill & Flagstaff Hill Forts Heritage Co	0	0	120	0	0
LGA Wide Retail Centres Study	130	130	0	0	0
Review Riparian Corridor Management Study & Policy	50	50	52	0	0
West Dapto Open Space and Community Facilities Needs Asses	70	150	30	0	0
Western Sydney Development Impacts Study	150	150	0	0	0
Review Planning Controls - Wilga St, Corrimal	150	150	0	0	0
Stormwater Services	1,053	575	1,114	571	353
Floodplain Management Studies	131	0	350	350	350
Review of Towradgi Creek FRMS	43	43	0	0	0
Review of Hewitts Creek FRMS	32	32	0	0	0
Flood Risk Management Studies Best Practice	205	108	505	221	3
Review of Allans Creek FRMS	91	61	30	0	0
Review of Fairy Cabbage Creeks FRMS	100	50	50	0	0
Investigation of Flood Mitigation Options	35	35	0	0	0
Community Education	25	25	0	0	0
DCP Review	30	6	24	0	0
FUA Automation	50	43	7	0	0
Review of Duck Creek FRMS	60	52	18	0	0
Review of Collins Creek FRMS	100	50	50	0	0
Review of Wollongong City FRMS	70	44	26	0	0
Review of Brooks Creek FRMS	40	0	40	0	0
Review of Minnegang Creek FRMS	40	25	15	0	0
Environmental Services	326	265	550	471	0
Biodiversity Strategy	89	29	61	0	0
City Beach Dune Contamination Management	25	25	0	0	0
Climate Change Risk Assessment & Adaptation Plan	30	30	0	0	0
Climate Change Mitigation Plan Implementation	7	7	0	0	0
Coastal Management Program for the Open Coast	99	99	464	471	0
Prepare Subsequent Climate Change Mitigation Plan	75	75	26	0	0

Report of Chief Financial Officer

Table 3 (cont'd)

Supporting Documents - Planning Studies & Investigations					
Service & Project	2021/22 Current Budget \$'000	2021/22 Proposed Budget \$'000	2022/23 Proposed Budget \$'000	2023/24 Proposed Budget \$'000	2024/25 Proposed Budget \$'000
Natural Area Management	25	25	26	26	27
Vegetation Management Plans for High Priority Natural Areas	25	25	26	26	27
Transport Services	839	544	361	86	15
Accessible Car Parking and Bus Stops audit	22	22	0	0	0
Access and Movement Strategy Review	200	75	125	0	0
City Centre Parking Surveys - EMS Report	69	0	69	71	0
Foreshore Parking Strategy	4	4	0	0	0
Integrated Transport Strategy	50	25	76	0	0
City Centre Parking Strategy	54	54	0	0	0
Bellambi Foreshore Precinct Plan	211	211	0	0	0
Wollongong LGA Feasibility Studies	8	8	15	15	15
Lake Illawarra Shared Path Masterplan	110	95	15	0	0
Towradgi Creek Shared Path Feasibility Investigations	56	30	26	0	0
Bald Hill to Stanwell Park Pathway Feasibility	25	10	15	0	0
Pedestrian Bridge Thurston Av - Feasibility Study	30	10	20	0	0
Community Facilities	16	16	0	0	0
Facilities Planning Development	16	16	0	0	0
Cultural Services	0	0	120	0	0
Art Gallery 2nd Entrance Design	0	0	120	0	0
Aquatic Services	100	100	0	0	0
Community Recreation & Aquatic Centre Concept Plan West Da	80	80	0	0	0
Coalcliff Surf Club Proposed Refurbishment Works - Feasibili	20	20	0	0	0
Botanic Garden and Annexes	9	9	0	0	60
Mt Keira Summit Park	9	9	0	0	0
Botanic Gardens Design Investigation for Asset Improvement	0	0	0	0	60
Parks and Sportsfields	301	301	35	0	0
Blue Mile Masterplan - update	46	46	0	0	0
Fred Finch Park - Landscape Masterplan	0	0	35	0	0
Hill 60 Tunnels Reopening- Detailed Concept Plans	150	150	0	0	0
Illawarra Sports Stadium Extension - Arboriculture Impact A	15	15	0	0	0
Feasibility Study Synthetic Football Pitch in Planning Area	50	50	0	0	0
Barina Park Oval Investigative Studies	40	40	0	0	0
Property Services	52	52	0	0	0
Bulli Showground Masterplan	30	30	0	0	0
Bulli Showground Master Plan Stage 2	22	22	0	0	0
Total Expenditure *	3,958	3,165	3,240	1,668	1,060

*Expenditure shown above is for full project cost. A number of projects are supported from external grant funds or internal restrictions

Report of Chief Financial Officer

Long Term Financial Projections

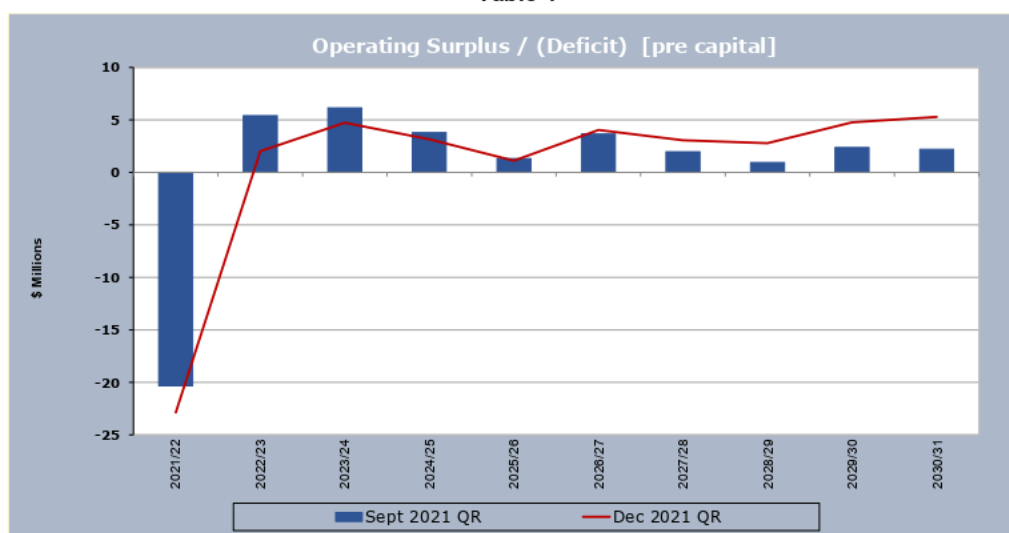
Council has a continuous budget process that revises the long term forecasts in line with quarterly changes and resets assumptions and indices annually or where new information leads to an immediate requirement to change the indices. The long term forecasts presented below are indicative of our existing position. The long term projections are currently being reviewed through the annual planning process in line with the Financial Strategy targets to reflect current information from both external sources and internal analysis as part of the 2022-2023 annual Strategic Planning Cycle. As a result, the long term projections will change moving forward as we reset our underlying assumptions and change future estimates through the preparation of a new Community Strategic Plan, Delivery Plan and Resource Strategy, including the Long Term Financial Plan. The projected long term indicators are primarily based on exiting assumptions and indices from current plans.

Long Term Operating Surplus/(Deficit) [pre capital]

The Operating Result [pre capital] provides an indication of the long term viability of Council. In broad terms, a deficit from operations indicates that Council is not earning sufficient revenue to fund its ongoing operations (services) and continue to renew existing assets over the longer term. While this measure is important, it does include timing issues and impacts from specific transactions and operations which make it less accurate in demonstrating current performance. The Funds Available from Operations below is a more accurate indicator of current financial performance.

The deterioration in the 2021-2022 result has been discussed throughout this report, with the main impact being the non-recurrent adjustment to Waste Facility Operations. There are also a number of other adjustments that are of a recurrent nature that have impacted the future years estimates, including application of the rate peg for 2022-2023, new rates growth provisions, and the reassessment of depreciation.

Table 4



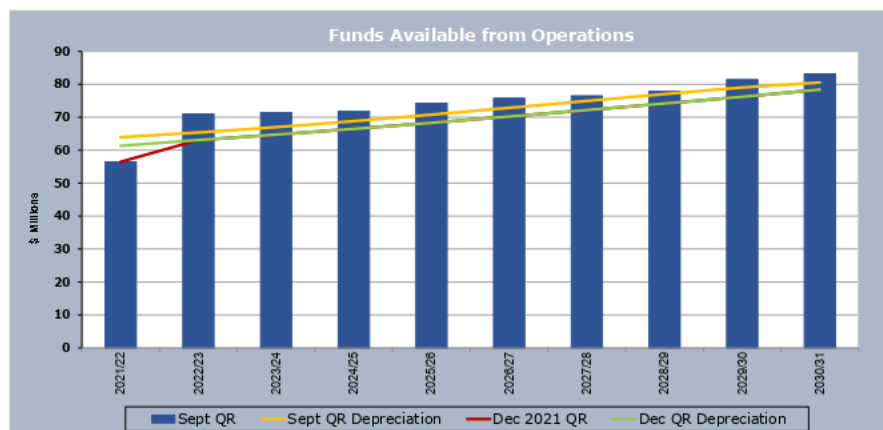
Funds Available from Operations

The matching of Funds Available from Operations with Council's asset renewal target (currently depreciation over the long term) is a primary target of Council to provide for effective renewal of assets and growth in assets.

Report of Chief Financial Officer

The following graph shows the forecast depreciation expenses compared to Funds Available from Operations. This indicator demonstrates the capacity to generate sufficient funds from operations to meet that level of asset renewal requirement. The graph currently shows the reassessment of the depreciation through the December Quarterly Review. The Funds Available from Operations has been adjusted to align with the depreciation to reflect the Financial Strategy. Further review will be carried out in conjunction with the new strategic planning cycle.

Table 5

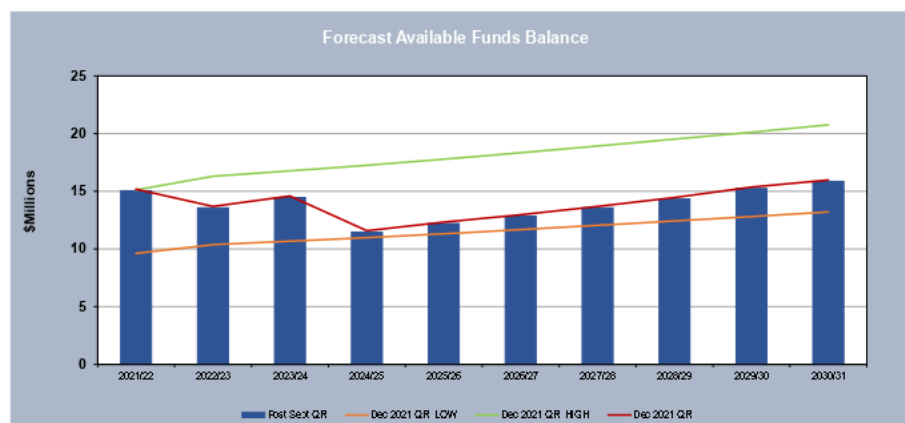


Available Funds

Available Funds are the uncommitted funds of an organisation that assist in meeting the short term cash requirements, provide contingency for unexpected costs or loss of revenue and provide flexibility to take advantage of opportunities that may arise from time to time. Council's Financial Strategy has a target to achieve and maintain an Available Funds position between 3.5% and 5.5% of operational revenue [pre capital]. The target range for Available Funds at December 2021 is between \$9.6M and \$13.2M (lower range) and between \$15.1M and \$20.8M (upper range) over the life of the Long Term Financial Plan.

The revised forecast indicate that Council remains within the target range. It should be noted that this is an indicative position at a point in time and will be impacted by the review of the indices and underlying assumptions during the collation of the Long Term Financial Plan.

Table 6



Report of Chief Financial Officer

Table 7

WOLLONGONG CITY COUNCIL					
December 2021 Quarterly Review					
	Original Budget \$'000	Current Budget \$'000	Actual YTD \$'000	Variance \$'000	Working Budget \$'000
Income Statement					
Income From Continuing Operations					
Revenue:					
Rates and Annual Charges	215,858	216,782	109,233	145	216,927
User Charges and Fees	31,493	24,600	11,901	266	24,866
Interest and Investment Revenues	3,167	2,029	689	(467)	1,562
Other Revenues	5,737	5,760	1,691	67	5,827
Rental Income	6,326	6,359	2,804	(707)	5,652
Grants & Contributions provided for Operating Purposes	19,325	20,062	10,874	(8)	20,054
Grants & Contributions provided for Capital Purposes	32,091	30,838	16,031	0	36,838
Other Income:					
Profit/Loss on Disposal of Assets	0	0	0	0	0
	0	878	1,373	(0)	878
Total Income from Continuing Operations	313,998	313,308	154,395	(704)	312,605
Expenses From Continuing Operations					
Employee Costs	144,255	145,132	73,771	245	145,377
Borrowing Costs	1,954	432	250	(0)	432
Materials, Contracts & Other Expenses	101,873	107,863	48,296	2,597	110,460
Depreciation, Amortisation + Impairment	64,652	65,010	32,161	(689)	64,021
Internal Charges (labour)	(19,309)	(19,309)	(8,899)	(28)	(19,337)
Internal Charges (not labour)	(2,339)	(2,339)	(1,104)	0	(2,339)
FSR (X6nm)	0	0	0	0	0
Savings Target (G2479/G284)	0	0	0	0	0
Total Expenses From Continuing Operations	291,087	296,789	144,474	1,825	298,614
Operating Result	22,911	16,520	9,921	(2,529)	13,991
Discontinued Operations					
Net Profit/Loss from Discontinued Operations	0	0	0	0	0
Net Operating Result for the Year	22,911	16,520	9,921	(2,529)	13,991
Operating Result [pre capital]	(9,180)	(20,319)	(6,110)	(2,529)	(22,847)
NET SURPLUS (DEFICIT) [Pre capital] %	7.3%	5.3%	6.4%	359.4%	4.5%
Funding Statement					
Net Operating Result for the Year	22,911	16,520	9,921	(2,529)	13,991
Add back :					
- Non-cash Operating Transactions	82,509	80,529	39,362	(769)	79,760
- Restricted cash used for operations	15,807	27,217	10,775	1,732	28,948
- Income transferred to Restricted Cash	(48,130)	(53,363)	(23,999)	1,832	(51,731)
- Payment of Right of Use Leases	0	(399)	(223)	0	(399)
- Payment of Accrued Leave Entitlements	(14,018)	(14,099)	(6,941)	0	(14,099)
- Payment of Carbon Contributions	0	0	0	0	0
Net Share Joint Venture using Equity Method	0	0	0	0	0
Funds Available from Operations	59,079	56,404	28,895	66	56,471
Borrowings repaid	(5,482)	(5,482)	(2,717)	0	(5,482)
Advances (made by) / repaid to Council	0	0	0	0	0
Operational Funds Available for Capital Budget	53,597	50,922	26,179	66	50,989
CAPITAL BUDGET					
Assets Acquired	(107,093)	(108,305)	(43,803)	60	(108,245)
Contributed Assets	(8,358)	(8,358)	0	0	(8,358)
Transfers to Restricted Cash	(1,854)	(2,779)	(1,824)	0	(2,779)
Funded From :-					
- Operational Funds	53,597	50,922	26,179	66	50,989
- Sale of Assets	1,854	2,779	1,849	0	2,779
- Internally Restricted Cash	8,675	8,085	2,244	0	8,085
- Borrowings	0	0	0	0	0
- Capital Grants	20,009	21,526	9,303	0	21,526
- Developer Contributions (Section 94)	13,035	16,169	7,759	0	16,169
- Other Externally Restricted Cash	0	0	301	0	0
- Other Capital Contributions	10,958	10,998	523	0	10,998
TOTAL FUNDS SURPLUS / (DEFICIT)	(9,118)	(8,962)	2,332	127	(8,836)

Report of Chief Financial Officer

Table 8

MAJOR VARIATIONS PROPOSED \$'000s		Offsetting		Net by type
		Surplus	Deficit	
REVENUES FROM ORDINARY ACTIVITIES				
Rates & Annual Charges				
Domestic Waste Levy	154			
Other			(9)	145
User Charges & Fees				
Market St Carpark now Council operated - transferred from Rental Income	211			
Commercial Properties adjustment	37			
City Strategy - Planning Certificates		18		266
Investment Revenue	(418)		(49)	(467)
Other Revenue				
Partial return of council surplus on insurance	84			
Other	(18)			67
Rental Income				
Market St Carpark - in part recognised in User Fees & Charges	(211)		(417)	
Commercial Properties adjustment	(31)			
Vehicle Leaseback COVID-19 shutdown	(60)			
Other	11			(707)
EXPENSES FROM ORDINARY ACTIVITIES				
Employee Costs				
Employee Costs transferred from Materials & Contracts	(211)			
Projects re-phased to 2022/23	66	31		
Employee costs offset by internal charge	(123)			
Other	(12)	5		(245)
Materials, Contracts & Other Expenses				
Waste Facility Operations (including FOGO and Recycling)	(2,494)			
Re-phase of UCI expenditure to 2022/23	388			
Materials & Contracts transferred to Employee Costs	212			
Projects re-phased to 2022/23	327	351		
Increase in insurance premiums	(84)		(64)	
Funded Projects introduced	(522)			
Fuel & oil	60			
Supporting Documents adjustments and re-phasing	535	160		
Audit and Valuer General fee increase			(54)	
Banking and postage fees		21		
Introduction of approved SPRA allocation for OneCouncil	(183)			
Project negative contingency offset	(1,183)		(180)	
Funded Community Transport & Social Support	207			
Bus Stops & Active Transport Links offset from Capital	(60)			
Other	(161)	74		(2,597)
Depreciation				
Reassessed Depreciation	989			989
Internal Labour Charges				
Funded Projects introduced	(95)			
Employee costs offset by internal charge	123			28
Grants & Contribution - Operating				
NSW State Library funding		19		
Rephasing of Mullet Creek grant funding to 2022/23	(26)			
Other			(1)	(8)
Operating Variation [pre capital]	(2,433)	679	(774)	(2,528)

Report of Chief Financial Officer

Table 8 (cont'd)

MAJOR VARIATIONS PROPOSED \$'000s	Offsetting Items for Fund	Surplus	Deficit	Net by type
Operating Variation [post capital]	(2,433)	679	(774)	(2,528)
FUNDING STATEMENT				
Non Cash Items				
Depreciation	(989)			
Employee Entitlements		220		(769)
Restricted Cash Used for Operations				
Restricted Cash offsets to P&L adjustments	1,732			1,732
Income Transferred to Restricted Cash				
Domestic Waste Services Charge	943			
Investment Income on Restricted Assets	418			
Re-phase of grant income to be received in 2022/23	26			
HACC Community Transport funding	245			
				1,632
OPERATIONAL FUNDS AVAILABLE FOR CAPITAL	(59)	899	(774)	66
CAPITAL BUDGET				
Transfer capital to operating - Bus stops & active transport links	60			60
				-
TOTAL FUNDS SURPLUS/(DEFICIT)	1	899	(774)	126

Report of Chief Financial Officer

Table 9

CAPITAL PROJECT REPORT							
December 2021 Quarterly Review							
ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000	
	CURRENT BUDGET		WORKING BUDGET			VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
Roads And Related Assets							
Traffic Facilities	3,353	(2,678)	2,948	(2,373)	805	(405)	305
Public Transport Facilities	315	0	315	0	35	0	0
Roadworks	14,280	(4,490)	16,306	(5,791)	8,594	2,026	(1,301)
Bridges, Boardwalks and Jetties	2,272	(217)	1,722	(217)	616	(550)	(0)
TOTAL Roads And Related Assets	20,220	(7,385)	21,292	(8,382)	10,049	1,071	(996)
West Dapto							
West Dapto Infrastructure Expansion	8,118	(8,118)	6,656	(6,656)	3,817	(1,462)	1,462
TOTAL West Dapto	8,118	(8,118)	6,656	(6,656)	3,817	(1,462)	1,462
Footpaths And Cycleways							
Footpaths	13,563	(8,055)	13,275	(7,968)	4,499	(288)	88
Cycle/Shared Paths	7,933	(5,643)	5,279	(2,989)	2,588	(2,654)	2,654
Commercial Centre Upgrades - Footpaths and Cycleway	4,080	(820)	4,089	(829)	2,549	9	(9)
TOTAL Footpaths And Cycleways	25,576	(14,518)	22,643	(11,786)	9,635	(2,933)	2,733
Carparks							
Carpark Construction/Formalising	610	(325)	735	(450)	245	125	(125)
Carpark Reconstruction or Upgrading	1,312	(187)	1,712	(187)	1,157	400	(0)
TOTAL Carparks	1,922	(512)	2,447	(637)	1,402	525	(125)
Stormwater And Floodplain Management							
Floodplain Management	2,595	(566)	1,715	(240)	136	(880)	326
Stormwater Management	6,270	0	6,849	0	1,630	579	0
Stormwater Treatment Devices	55	0	55	0	1	(0)	0
TOTAL Stormwater And Floodplain Mar	8,920	(566)	8,619	(240)	1,767	(301)	326
Buildings							
Cultural Centres (IPAC, Gallery, Townhall)	700	0	700	0	315	(0)	0
Administration Buildings	2,435	0	1,635	0	668	(800)	0
Community Buildings	13,447	(2,783)	13,485	(2,822)	5,326	38	(39)
Public Facilities (Shelters, Toilets etc.)	490	(30)	490	(30)	71	0	0
TOTAL Buildings	17,072	(2,813)	16,310	(2,852)	6,379	(762)	(39)
Commercial Operations							
Tourist Park - Upgrades and Renewal	1,404	0	899	0	46	(504)	0
Crematorium/Cemetery - Upgrades and Renewal	131	0	136	0	56	4	0
Leisure Centres & RVGC	180	0	180	0	5	0	0
TOTAL Commercial Operations	1,715	0	1,215	0	107	(500)	0
Parks Gardens And Sportfields							
Play Facilities	1,888	(843)	1,517	(472)	139	(371)	371
Recreation Facilities	4,771	(4,135)	5,982	(5,240)	2,080	1,211	(1,105)
Sporting Facilities	6,153	(4,546)	6,333	(3,741)	993	179	808
TOTAL Parks Gardens And Sportfields	12,813	(9,524)	13,832	(9,453)	3,212	1,019	72

Report of Chief Financial Officer

Table 9 (cont'd)

CAPITAL PROJECT REPORT							
December 2021 Quarterly Review							
ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000	
	CURRENT BUDGET		WORKING BUDGET			VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
Beaches And Pools							
Beach Facilities	350	(300)	350	(300)	33	0	0
Rock/Tidal Pools	350	0	350	0	142	(0)	0
Treated Waste Pools	2,002	(32)	2,002	(32)	366	(0)	0
TOTAL Beaches And Pools	2,302	(332)	2,302	(332)	541	(0)	0
Natural Areas							
Natural Area Management and Rehabilitation	0	0	0	0	0	0	0
TOTAL Natural Areas	0	0	0	0	0	0	0
Waste Facilities							
Wynes Gully New Cells	2,025	(2,025)	1,425	(1,425)	548	(600)	600
TOTAL Waste Facilities	2,025	(2,025)	1,425	(1,425)	548	(600)	600
Fleet							
Motor Vehicles	1,830	(979)	1,830	(979)	558	(0)	0
TOTAL Fleet	1,830	(979)	1,830	(979)	558	(0)	0
Plant And Equipment							
Mobile Plant (trucks, backhoes etc.)	4,200	(905)	4,200	(905)	722	(0)	0
TOTAL Plant And Equipment	4,200	(905)	4,200	(905)	722	(0)	0
Information Technology							
Information Technology	1,050	0	1,050	0	442	0	0
TOTAL Information Technology	1,050	0	1,050	0	442	0	0
Library Books							
Library Books	1,283	0	1,283	0	642	(0)	0
TOTAL Library Books	1,283	0	1,283	0	642	(0)	0
Public Art							
Art Gallery Acquisitions	137	0	137	0	72	(0)	0
TOTAL Public Art	137	0	137	0	72	(0)	0
Land Acquisitions							
Land Acquisitions	4,188	(4,038)	4,191	(4,041)	3,893	2	(2)
TOTAL Land Acquisitions	4,188	(4,038)	4,191	(4,041)	3,893	2	(2)
Non-Project Allocations							
Capital Project Contingency	(1,637)	0	(1,726)	0	0	(90)	0
TOTAL Non-Project Allocations	(1,637)	0	(1,726)	0	0	(90)	0
GRAND TOTAL	112,334	(51,316)	108,305	(47,887)	43,803	(4,029)	4,029

Report of Chief Financial Officer

Table 10

WOLLONGONG CITY COUNCIL		
as at 31 December 2021		
	YTD Actual 2021/22 \$'000	Actual 2020/21 \$'000
Statement of Financial Position		
Current Assets		
Cash Assets	51,928	52,320
Investment Securities	87,339	103,334
Receivables	19,743	21,859
Inventories	473	463
Current Contract Assets	7,931	4,707
Other	9,152	6,682
Assets classified as held for sale	65	111
Total Current Assets	176,631	189,477
Non-Current Assets		
Non Current Cash Assets	30,000	12,000
Non Current Investment Securities	3,199	3,199
Non-Current Inventories	5,972	5,972
Property, Plant and Equipment	2,701,867	2,690,088
Investment Properties	4,600	4,600
Intangible Assets	114	152
Right-Of-Use Assets	1,281	1,471
Total Non-Current Assets	2,747,032	2,717,482
TOTAL ASSETS	2,923,662	2,906,958
Current Liabilities		
Current Payables	34,655	26,622
Current Contract Liabilities	8,311	8,177
Current Lease Liabilities	177	377
Current Provisions payable < 12 months	15,559	14,015
Current Provisions payable > 12 months	45,373	45,373
Current Interest Bearing Liabilities	5,497	5,497
Total Current Liabilities	109,572	100,062
Non-Current Liabilities		
Non Current Payables	0	0
Non Current Interest Bearing Liabilities	4,226	6,942
N/C Lease Liabilities	1,194	1,194
Non Current Provisions	39,312	39,314
Total Non-Current Liabilities	44,732	47,451
TOTAL LIABILITIES	154,304	147,513
NET ASSETS	2,769,358	2,759,445
Equity		
Accumulated Surplus	1,407,568	1,392,527
Asset Revaluation Reserve	1,223,700	1,223,744
Restricted Assets	138,090	143,174
TOTAL EQUITY	2,769,358	2,759,445

Report of Chief Financial Officer

WOLLONGONG CITY COUNCIL		
CASH FLOW STATEMENT as at 31 December 2021		
	YTD Actual 2021/22 \$ '000	Actual 2020/21 \$ '000
CASH FLOWS FROM OPERATING ACTIVITIES		
<i>Receipts:</i>		
Rates & Annual Charges	122,625	214,468
User Charges & Fees	20,589	30,198
Interest & Interest Received	773	2,269
Grants & Contributions	22,436	58,978
Bonds, deposits and retention amounts received	412	755
Other	7,390	24,061
<i>Payments:</i>		
Employee Benefits & On-costs	(63,549)	(125,163)
Materials & Contracts	(45,272)	(87,653)
Borrowing Costs	(253)	(691)
Bonds, deposits and retention amounts refunded	-	(2,637)
Other	(12,357)	(20,275)
Net Cash provided (or used in) Operating Activities	52,794	94,309
CASH FLOWS FROM INVESTING ACTIVITIES		
<i>Receipts:</i>		
Sale of Investments	35,231	56,040
Sale of Infrastructure, Property, Plant & Equipment	1,649	1,531
<i>Payments:</i>		
Purchase of Investments	(37,207)	(69,745)
Purchase of Infrastructure, Property, Plant & Equipment	(49,945)	(78,658)
Net Cash provided (or used in) Investing Activities	(50,271)	(90,832)
CASH FLOWS FROM FINANCING ACTIVITIES		
<i>Payments:</i>		
Repayment of Borrowings & Advances	(2,716)	(5,260)
Repayment of Finance Lease Liabilities	(199)	(348)
Net Cash Flow provided (used in) Financing Activities	(2,916)	(5,608)
Net Increase/(Decrease) in Cash & Cash Equivalents	(392)	(2,131)
plus: Cash & Cash Equivalents - beginning of year	52,320	56,051
plus: Investments on hand - end of year	120,538	118,533
Cash & Cash Equivalents and Investments - year to date	172,466	172,453

WOLLONGONG CITY COUNCIL		
CASH FLOW STATEMENT as at 31 December 2021		
	YTD Actual 2021/22 \$ '000	Actual 2020/21 \$ '000
Total Cash & Cash Equivalents and Investments - year to date	172,466	172,453
<i>Attributable to:</i>		
External Restrictions (refer below)	74,509	78,088
Internal Restrictions (refer below)	66,693	70,676
Unrestricted	31,264	23,689
	172,466	172,453
External Restrictions		
Developer Contributions	37,046	38,719
RMS Contributions	610	115
Specific Purpose Unexpended Grants	8,227	9,687
Special Rates Levy Wollongong Mall	359	282
Special Rates Levy Wollongong City Centre	57	59
Local Infrastructure Renewal Scheme	-	277
Unexpended Loans	941	965
Domestic Waste Management	9,393	10,746
Private Subsidies	5,533	5,420
Housing Affordability	9,642	9,640
Stormwater Management Service Charge	2,701	2,178
Total External Restrictions	74,509	78,088
Internal Restrictions		
Property Investment Fund	9,389	9,388
Strategic Projects	41,185	46,558
Sports Priority Program	857	943
Car Parking Strategy	1,172	1,051
MacCabe Park Development	1,663	1,590
Darcy Wentworth Park	171	171
Garbage Disposal Facility	4,158	3,415
West Dapto Development Additional Rates	7,533	6,951
Southern Phone Natural Areas	173	173
Lake Illawarra Estuary Management Fund	392	436
Total Internal Restrictions	66,693	70,676

Report of Chief Financial Officer

The Quarterly Budget Review Statement (QBRS) requirements issued by the Office of Local Government in December 2010 require Council to provide additional information that is included in the following schedules and this report should be read in conjunction with these.

The QBRS guidelines require councils to provide a listing of contracts that have been entered into during the Quarter that have yet to be fully performed. Details of contracts, other than contractors that are on a council's preferred supplier list that have a value equivalent of 1% of estimated income from continuing operations or \$50K, whichever is the lesser, are required to be provided.

Contract Listing					
Budget Review for Quarter ended December 2021					
Contractor	Contract Detail & Purpose	Contract Value \$000's	Commencement Date	Duration of Contract	Budgeted Y/N
University Of Wollongong	Flood aware phase 2	88	14-Oct-2021	2021/22-2022/23	Y
Encoat Pty Ltd Drainage Grates and Spare Parts	Coledale Beach Shared Path Handrail Installation	122	19-Oct-2021	2021/22	Y
Birjen Pty Ltd	Sea Salt on Bulli Beach - Café/Kiosk and Residence	2,145	20-Oct-2021	2021/22-2026/27	Y
Dynamic Civil Pty Ltd	Grand Pacific Walk - Boardwalk Rehabilitation	315	15-Nov-2021	2021/22-2022/23	Y
VBuilt Construction Group Pty Ltd Roofing Services	Bull Seniors Centre and Childcare Refurbishment Works	439	22-Oct-2021	2021/22-2022/23	Y
C J Henry & K S Henry Artist	Artist Fee Grand Pacific Walk Public Artwork 2021 - 2022	99	01-Nov-2021	2021/22	Y
Civic Vision Solutions Pty Ltd Repairs & Maintenance	CCTV Maintenance and Services	124	09-Nov-2021	2021/22	Y
AJ and ME Landscapes Pty Ltd Construction Materials	Paving Installation - Lower Crown Street South Side	448	15-Nov-2021	2021/22	Y
Dynamic Civil Pty Ltd	Lean Mix Base for Franklin Avenue Bulli	182	01-Dec-2021	2021/22	Y
Select Civil Pty Ltd	Fred Finch Park Berkeley - Netball courts Redevelopment	2,763	16-Dec-2021	2021/22-2022/23	Y
Cadfern Pty Ltd	Keira Mine Road Embankment Stabilisation	1,279	19-Nov-2021	2021/22	Y
Levanta	Purchase of Truck Host for Workshop	123	01-Dec-2021	2021/22	Y
Culinaris By Monika	Catering for Councilor Information Meetings	77	07-Oct-2021	2021/22	Y
Sebel Pty Ltd	Sebel Chair & Chair Trolley replacement, Sebel Chair & Chair Trolley Replacement	72	02-Nov-2021	2021/22	Y
Life Fitness Australia Pty Ltd	Gym Equipment for Lakeside Leisure Centre	71	28-Nov-2021	2021/22	Y
Dirt Art Pty Ltd	Anama Street Fairy Meadow Bike Track construction	61	28-Oct-2021	2021/22	Y

The QBRS guidelines also require councils to identify the amount expended on consultancies and legal fees for the financial year. Consultants are defined as a person or organisation that is engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally, it is the advisory nature of the work that differentiates a consultant from other contractors.

Consultancy and Legal Expenses		
Budget Review for Quarter ended December 2021		
Expense	Expenditure YTD \$000's	Budgeted (Y/N)
Consultancies	1,283	YES
Legal Fees	327	YES

STATEMENT OF CHIEF FINANCIAL OFFICER

All investments held at 31 December 2021 were invested in accordance with Council's Investment Policy.

Bank reconciliations have been completed as at 31 December 2021.

Year to date cash and investments are reconciled with funds invested and cash at bank.

BRIAN JENKINS
CHIEF FINANCIAL OFFICER

APPENDIX 1: Annual Deliverables Progress By 4 Year Action – Delivery Program 2018 – 2022

Goal	On track	Not Scheduled to Commence	Delayed	Deferred	Ongoing / Complete
1.1.1.1 Implement programs and events which facilitate community participation to improve natural areas	33%	0%	67%	0%	0%
1.1.1.2 Projects and programs that achieve enhancement of the natural environment and escarpment are developed and implemented	100%	0%	0%	0%	0%
1.1.2.1 Protect and conserve the health and biodiversity of our waterways and coast	100%	0%	0%	0%	0%
1.1.2.2 The impacts of the increasing number of visitors to the coast and Lake Illawarra is managed effectively	100%	0%	0%	0%	0%
1.1.3.1 Manage vegetation to reduce bushfire risk in Asset Protection Zones on natural areas under Council care and control	100%	0%	0%	0%	0%
1.1.3.2 Establish effective urban stormwater and floodplain management programs	100%	0%	0%	0%	0%
1.2.1.1 Develop and implement a range of programs that encourage community participation in reducing Wollongong's ecological footprint	78%	0%	22%	0%	0%
1.2.1.2 Promote and enforce compliance with litter reduction	67%	0%	33%	0%	0%
1.2.1.3 Methods to reduce emissions are investigated and utilised	100%	0%	0%	0%	0%

APPENDIX 1: Annual Deliverables Progress By 4 Year Action – Delivery Program 2018 – 2022

Goal	On track	Not Scheduled to Commence	Delayed	Deferred	Ongoing / Complete
1.2.2.1 Our community is proactively engaged in a range of initiatives that improve the sustainability of our environments	100%	0%	0%	0%	0%
1.3.1.1 Impacts from development on the environment are assessed, monitored and mitigated	100%	0%	0%	0%	0%
1.3.1.2 Develop planning controls and Town Centre and Neighbourhood Plans with regard to the economic, social and environmental impacts	100%	0%	0%	0%	0%
1.3.2.1 Carry out best practise assessment for urban development proposals and applications	100%	0%	0%	0%	0%
1.3.2.2 Mitigate the impact of development on the natural environment and visual amenity of our open spaces and urban areas	50%	50%	0%	0%	0%
1.4.1.1 Work in partnership with others to promote a diverse range of heritage education and promotion programs	100%	0%	0%	0%	0%
1.4.2.1 Work with the local Aboriginal community in the management of Indigenous heritage	100%	0%	0%	0%	0%
1.5.1.1 Set an emissions reduction target and carry out actions to reduce greenhouse gas emissions through the Global Covenant of Mayors	100%	0%	0%	0%	0%

APPENDIX 1: Annual Deliverables Progress By 4 Year Action – Delivery Program 2018 – 2022

Goal	On track	Not Scheduled to Commence	Delayed	Deferred	Ongoing / Complete
2.1.1.1 Build on partnerships which enable the retention of local talent	100%	0%	0%	0%	0%
2.1.2.1 Ensure that Wollongong is attractive for business expansion, establishment and relocation.	100%	0%	0%	0%	0%
2.1.2.2 Progress implementation of the City for People and its accompanying Implementation Plan	67%	0%	0%	33%	0%
2.1.3.1 Support regional activities and partnerships that promote business investment and jobs growth	100%	0%	0%	0%	0%
2.1.4.1 Develop and maintain partnerships with the business sector to fund and contribute to a broader range of community projects and activities	100%	0%	0%	0%	0%
2.1.5.1 In collaboration with key agencies, facilitate the West Dapto Taskforce to deliver the first stages of the West Dapto Urban Release Area	100%	0%	0%	0%	0%
2.2.1.1 The development of renewable energy products and services is supported	100%	0%	0%	0%	0%
2.2.1.2 Partnership opportunities in research and development are expanded	100%	0%	0%	0%	0%
2.2.2.1 In conjunction with partner organisations support the development of innovative industries	100%	0%	0%	0%	0%

APPENDIX 1: Annual Deliverables Progress By 4 Year Action – Delivery Program 2018 – 2022

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
2.2.3.1 Undertake major refurbishment works in the city centre	100%	0%	0%	0%	0%
2.3.1.1 Pursue initiatives that promote the region as a place to holiday to domestic and international markets	75%	0%	0%	25%	0%
2.3.1.2 Support projects that investigate opportunities for the provision of tourism infrastructure	75%	0%	0%	25%	0%
2.3.2.1 Market and promote events in the city centre	100%	0%	0%	0%	0%
2.3.2.3 Improve policies and systems to support the revitalisation of the city centre	100%	0%	0%	0%	0%
2.3.3.1 Continue to grow Wollongong's attractiveness to attract signature events and festivals	100%	0%	0%	0%	0%
2.4.1.1 Ensure Wollongong is attractive to research and development companies and organisations	100%	0%	0%	0%	0%
2.4.1.2 Implement a range of programs that incorporate learning and development	100%	0%	0%	0%	0%
2.4.2.1 Implement programs to ensure Wollongong becomes a Smart City	100%	0%	0%	0%	0%

APPENDIX 1: Annual Deliverables Progress By 4 Year Action – Delivery Program 2018 – 2022

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
3.1.1.1 Promote Made in Wollongong to become a well-known brand	0%	0%	0%	100%	0%
3.1.1.2 The visibility of our cultural diversity is increased	100%	0%	0%	0%	0%
3.1.1.3 Encourage the integration of urban design and public art	100%	0%	0%	0%	0%
3.1.1.4 Deliver sustainable and successful events and festivals through Council investment and delivery of the Events Strategy	67%	0%	33%	0%	0%
3.1.1.5 Encourage Sports Associations to conduct regional, state and national events in the city	100%	0%	0%	0%	0%
3.1.2.1 Provide opportunities for local artists and performers to exhibit, promote and perform at Council venues and events	80%	0%	0%	20%	0%
3.2.1.1 Provide support to existing and emerging artists and performers	100%	0%	0%	0%	0%
3.2.1.2 Seek funding for the promotion of heritage sites, museums and galleries to the community and visitors	100%	0%	0%	0%	0%
3.2.2.1 Coordinate an integrated approach to infrastructure improvement and service delivery in the Arts Precinct	67%	0%	33%	0%	0%

APPENDIX 1: Annual Deliverables Progress By 4 Year Action – Delivery Program 2018 – 2022

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
3.2.3.1 Support the coordination of an externally funded calendar of activities delivered across the City	100%	0%	0%	0%	0%
3.3.2.1 Deliver and support a range of projects and programs which build harmony, understanding and cultural awareness	67%	0%	0%	33%	0%
4.1.1.1 Ensure an effective community engagement framework that connects the community to Council decision making	100%	0%	0%	0%	0%
4.1.1.2 Improve community understanding and awareness of Council decisions	100%	0%	0%	0%	0%
4.1.3.1 Council continue to partner with our local Aboriginal community	100%	0%	0%	0%	0%
4.2.1.1 Increase opportunities for the community to connect with volunteering organisations	100%	0%	0%	0%	0%
4.2.1.2 Support community participation in community activities	75%	0%	25%	0%	0%
4.2.1.3 Build the capability of community based organisations in managing, developing and sustaining their volunteers	100%	0%	0%	0%	0%
4.2.2.1 Continue to participate and contribute to an integrated community service network	100%	0%	0%	0%	0%

APPENDIX 1: Annual Deliverables Progress By 4 Year Action – Delivery Program 2018 – 2022

Goal	On track	Not Scheduled to Commence	Delayed	Deferred	Ongoing / Complete
4.2.3.1 Support a range of projects and programs in the city	100%	0%	0%	0%	0%
4.3.1.1 Ensure appropriate strategies and systems are in place that support good corporate governance	93%	0%	0%	0%	7%
4.3.1.2 Build a workplace culture that is safe, engaged, responsive and professional	100%	0%	0%	0%	0%
4.3.2.1 Effective and transparent financial management systems are in place	100%	0%	0%	0%	0%
4.3.2.2 Continue to pursue alternative funding options to deliver financially sustainable services and facilities	80%	20%	0%	0%	0%
4.3.2.4 Deliver the Asset Management Strategy and Improvement Plan 2012-17	100%	0%	0%	0%	0%
4.3.3.1 Coordinate a service review program with a focus on business development and improvement	100%	0%	0%	0%	0%
4.3.3.2 Working together, levels of service are established and service continuously improve and offer best value for money	100%	0%	0%	0%	0%
5.1.1.1 Partner with community based organisations in the provision of services	100%	0%	0%	0%	0%

APPENDIX 1: Annual Deliverables Progress By 4 Year Action – Delivery Program 2018 – 2022

Goal	On track	Not Scheduled to Commence	Delayed	Deferred	Ongoing / Complete
5.1.1.2 Continue to undertake social, land use and environmental planning activities that assists in service planning	100%	0%	0%	0%	0%
5.1.2.1 Partner with agencies and health authorities to support improvements to the region's medical services	100%	0%	0%	0%	0%
5.1.3.1 Deliver a diverse suite of projects to the community that foster and enhance community strengths and participation	90%	0%	10%	0%	0%
5.1.3.2 Carry out commercial business management of Council's operational lands	100%	0%	0%	0%	0%
5.1.4.1 Provide an appropriate and sustainable range of quality passive and active open spaces and facilities	94%	0%	6%	0%	0%
5.1.4.2 Review planning controls for priority locations	100%	0%	0%	0%	0%
5.1.4.3 Policies and plans are developed, reviewed and implemented to encourage physical activity	100%	0%	0%	0%	0%
5.1.4.4 Develop and implement public health, amenity and safety regulatory programs and reviews that assist in improving compliance with legislative requirements	60%	0%	0%	40%	0%

APPENDIX 1: Annual Deliverables Progress By 4 Year Action – Delivery Program 2018 – 2022

Goal	On track	Not Scheduled to Commence	Delayed	Deferred	Ongoing / Complete
5.1.5.1 Increase opportunities to enhance library multimedia and online services	100%	0%	0%	0%	0%
5.1.5.2 Renew community facilities and consider rationalisation, replacement or refurbishment to achieve facilities that are strategically located, good quality and meet identified community need	100%	0%	0%	0%	0%
5.2.1.1 Investigate provision of Leisure Services in the greater Dapto area, taking into account expansion of West Dapto, and determine Council's role in the market	100%	0%	0%	0%	0%
5.2.1.2 Investigate the future provision of Aquatic Services across the local government area and implement improvements	100%	0%	0%	0%	0%
5.2.1.3 Use data to assess the current community infrastructure available, community demand and develop a strategic framework and policies to either rationalise, enhance or expand to meet community needs	100%	0%	0%	0%	0%
5.2.1.4 Develop a Regional Botanic Garden of Excellence	80%	0%	0%	20%	0%
5.2.1.5 Provide statutory services to appropriately manage and maintain our public spaces	100%	0%	0%	0%	0%

APPENDIX 1: Annual Deliverables Progress By 4 Year Action – Delivery Program 2018 – 2022

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
5.2.1.6 Implement Council's Planning, People, Places Strategy	100%	0%	0%	0%	0%
5.2.2.1 Deliver a range of programs and recreational pursuits for older people	50%	0%	50%	0%	0%
5.3.1.1 Prepare a Housing Study and Strategy incorporating Affordable Housing Issues	100%	0%	0%	0%	0%
5.3.2.1 In partnership with relevant agencies and networks lobby and advocate for improved service levels and quality enhanced access to services	100%	0%	0%	0%	0%
5.4.1.1 Provide lifeguarding services at beaches (in partnership with Surf Life Saving Illawarra) and Council pools	100%	0%	0%	0%	0%
5.4.1.2 Facilitate a range of partnerships and networks to develop community safety initiatives	100%	0%	0%	0%	0%
5.4.2.1 Delivery projects and programs to reduce crime in the Wollongong Local Government Area	100%	0%	0%	0%	0%
5.5.1.1 Well maintained assets are provided that meet the needs of the current and future communities	100%	0%	0%	0%	0%
5.5.1.2 Manage and maintain community infrastructure portfolio with a focus on asset renewal	100%	0%	0%	0%	0%

APPENDIX 1: Annual Deliverables Progress By 4 Year Action – Delivery Program 2018 – 2022

<i>Goal</i>	<i>On track</i>	<i>Not Scheduled to Commence</i>	<i>Delayed</i>	<i>Deferred</i>	<i>Ongoing / Complete</i>
5.5.1.3 Coordinate an access improvement program through pre-planning and renewal activities	100%	0%	0%	0%	0%
6.1.1.1 Support the delivery of the Gong Shuttle Bus as an affordable transport option	100%	0%	0%	0%	0%
6.1.2.1 Implement a variety of projects and programs to encourage sustainable transport throughout the LGA	100%	0%	0%	0%	0%
6.1.3.1 Plan and implement an integrated and sustainable transport network	100%	0%	0%	0%	0%
6.1.4.1 Facilitate the integration of public amenities and transport with local communities	100%	0%	0%	0%	0%
6.2.1.1 Work with partners to reduce travel time between Sydney and Western Sydney with Wollongong	100%	0%	0%	0%	0%
6.3.1.1 Plan and implement projects to improve connectivity	100%	0%	0%	0%	0%
6.3.2.1 Deliver sustainable transport asset renewal programs and projects	100%	0%	0%	0%	0%
6.3.3.1 Investigate the option for disruptive transport technologies and the impact on the future transport network	100%	0%	0%	0%	0%

APPENDIX 1: Annual Deliverables Progress By 4 Year Action – Delivery Program 2018 – 2022

Goal	On track	Not Scheduled to Commence	Delayed	Deferred	Ongoing / Complete
6.3.4.1 Work with key agencies and partners to continue and improve late night transport options	100%	0%	0%	0%	0%
6.3.5.1 Develop an alternative service delivery, governance model and auspice for Community Transport in response to the Federal Government's Aged Care reform legislation	50%	0%	50%	0%	0%
Establish and maintain research programs to reduce environmental risks	100%	0%	0%	0%	0%
Total Annual Deliverable Progress	92%	1%	4%	2%	1%

ITEM 17 DECEMBER 2021 FINANCIALS

The financial results for December 2021 compared to phased budget vary across the three key performance indicators. The Operating Result [pre-capital] is a favourable variance of \$2.6M, the Funds Available from Operations is unfavourable by \$0.1M and the Funds Result has a favourable variance of \$1.9M.

The Statement of Financial Position at the end of the period indicates that there is enough cash to support external restrictions.

Council has expended \$43.8M on its capital works program representing 41% of the annual budget. The year to date budget for the same period was \$46.9M.

This report does not include the proposed changes from the December Quarterly Review.

RECOMMENDATION

- 1 The financials be received and noted.
- 2 Council endorse the proposed changes to the Capital Budget for December 2021.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer

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

ATTACHMENTS

- 1 Financial Statements - December 2021
- 2 Capital Project Report - December 2021

BACKGROUND

This report presents the Financial Performance of the organisation for December 2021. The below table provides a summary of the organisation's overall financial results for the year.

FORECAST POSITION	Original Budget	Revised Budget	YTD Forecast	YTD Actual	Variation
	\$M	\$M	\$M	\$M	\$M
KEY MOVEMENTS	1-Jul	31-Dec	31-Dec	31-Dec	
Operating Revenue	281.9	276.5	137.9	138.4	0.5
Operating Costs	(291.1)	(296.8)	(146.6)	(144.5)	2.1
Operating Result [Pre Capital]	(9.2)	(20.3)	(8.7)	(6.1)	2.6
Capital Grants & Contributions	32.1	36.8	17.0	16.0	(1.0)
Operating Result	22.9	16.5	8.3	9.9	1.6
Funds Available from Operations	59.1	56.4	29.0	28.9	(0.1)
Capital Works	107.1	107.6	46.9	43.8	3.1
Contributed Assets	8.4	8.4	(0.0)	-	(0.0)
Transfer to Restricted Cash	1.9	2.8	1.8	1.8	-
Borrowings Repaid	5.5	5.5	2.7	2.7	(0.0)
Funded from:					
- Operational Funds	59.1	56.4	29.0	28.9	(0.1)
- Other Funding	54.6	58.8	22.8	21.8	(1.0)
Total Funds Surplus/(Deficit)	(9.1)	(9.0)	0.4	2.3	1.9

FINANCIAL PERFORMANCE

The December 2021 Operating Result [pre-capital] deficit of \$6.1M is a favourable variance of \$2.6M compared to the phased budget deficit of \$8.7M. This favourable variance is mainly related to lower levels of expenditure on funded projects (\$2.6M).

The Operating Result of \$9.9M is a favourable variance of \$1.6M compared to phased budget. This includes the net variation above as well as a lower level of capital grants and contributions of \$1.0M.

The Funds Available from Operations indicates a slight unfavourable variation of \$0.1M. This result excludes non-cash variations and transfers to and from Restricted Assets but includes the variation in cash payments for Employee Entitlements.

At the end of December, the Capital Works Program had an expenditure of \$43.8M compared to a phased budget of \$46.9M. The lower level of expenditure (\$3.1M) is offset by lower levels of funding (\$1.1M) and has resulted in a net impact on the Funds Result of \$2.0M. The December capital report recommends an increase to the program of \$0.7M largely due to the introduction of additional Roads to Recovery funded roadworks and adjustments to projects funded by Developer Contributions.

The Total Funds result as at 31 December 2021 is a favourable variance of \$1.9M compared to phased budget. This includes the \$2.0M net impact from the capital works program.

FINANCIAL POSITION

Cash, Investments & Available Funds

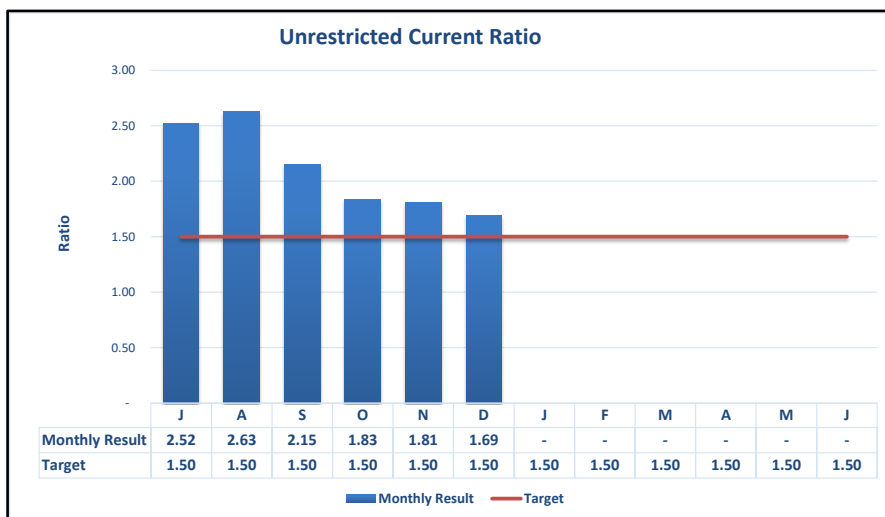
Council's cash and investments increased during December 2021 to holdings of \$172.5M compared to \$170.7M at the end of November 2021. A significant portion of these funds are subject to restriction meaning they can only be utilised for specific purposes. As a result, Council's true available cash position is more accurately depicted by considering available funds that are uncommitted and not subject to restriction.

CASH, INVESTMENTS & AVAILABLE FUNDS				
	Actual 2020/21 \$M	Original Budget 2021/22 \$M	Sept QR 2021/22 \$M	Actuals YTD December \$M
Total Cash and Investments	170.9	105.4	127.4	172.5
Less Restrictions:				
External	78.1	59.9	64.9	74.5
Internal	70.7	41.7	52.0	66.7
CivicRisk Investment	3.2			3.2
Total Restrictions	152.0	101.6	116.9	144.4
Available Cash	18.9	3.8	10.5	28.1
Adjusted for :				
Payables	(26.6)	(26.2)	(26.6)	(34.7)
Receivables	21.9	24.5	24.4	19.7
Other	9.3	10.9	6.8	11.9
Net Payables & Receivables	4.5	9.2	4.6	3.0
Available Funds	23.4	13.0	15.0	25.0

External restrictions are funds that must be spent for a specific purpose and cannot be used by Council for general operations. Internal restrictions are funds that Council has determined will be used for a specific future purpose, although Council may vary that use by resolution of Council. Further details on the internal and external restrictions can be found in the Cash Flow Statement (Attachment 1).

The level of cash and investments in Council's available funds position is above the Financial Strategy target range of 3.5% to 5.5% of operational revenue (pre-capital). The increase in cash and investments is in line with anticipated cash flows.

The Unrestricted Current Ratio measures the Council's liquidity position or ability to meet short term obligations as they fall due. The below graph reflects Council's performance against the Local Government benchmark of greater than 1.5 times.



Prior months have been adjusted in the above table to reflect variation in the treatment of prepaid rates.

Borrowings

Council continues to have financial strength in its low level of borrowing. Council's Financial Strategy includes provision for additional borrowing in the future and Council will consider borrowing opportunities from time to time to bring forward the completion of capital projects where immediate funding is not available.

The Debt Service Cover Ratio measures the availability of operating cash to service debt including interest, principal and lease payments. Council's Debt Service Cover Ratio as at December 2021 exceeds the Local Government benchmark of greater than two times.

Infrastructure, Property, Plant & Equipment

The Statement of Financial Position shows that \$2.70B of assets (written down value) are controlled and managed by Council for the community as at 31 December 2021. Council has expended \$43.8M on its capital works program representing 41% of the annual budget. The year to date budget for the same period was \$46.9M.

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 2018-2022	Operational Plan 2021-2022
Strategy	4 Year Action	Operational Plan Actions
4.3.2 Resources (finance, technology, assets and people) are effectively managed to ensure long term financial sustainability	4.3.2.1 Effective and transparent financial management systems are in place	Monitor and review achievement of Financial Strategy
		Continuous budget management is in place, controlled and reported
		Provide accurate and timely financial reports monthly, quarterly and via the annual statement

CONCLUSION

The financial result at the end of December is positive across two of the three key performance indicators.

WOLLONGONG CITY COUNCIL					
1 July 2021 to 31 December 2021					
	Original Budget \$'000	Current Budget \$'000	YTD Budget \$'000	Actual YTD \$'000	Variance \$'000
Income Statement					
Income From Continuing Operations					
Revenue:					
Rates and Annual Charges	215,858	216,782	109,084	109,233	149
User Charges and Fees	31,493	24,600	10,314	11,904	1,589
Interest and Investment Revenues	3,167	2,029	942	689	(253)
Other Revenues	5,737	5,760	2,532	1,691	(841)
Rental Income	6,326	6,359	3,527	2,804	(723)
Grants & Contributions provided for Operating Purposes	19,325	20,062	10,611	10,674	63
Grants & Contributions provided for Capital Purposes	32,091	36,838	17,047	16,031	(1,016)
Profit/Loss on Disposal of Assets	0	878	878	1,373	494
Total Income from Continuing Operations	313,998	313,308	154,937	154,398	(539)
Expenses From Continuing Operations					
Employee Costs	144,255	145,132	71,908	73,771	(1,863)
Borrowing Costs	1,954	432	218	250	(32)
Materials & Services	83,426	88,323	42,982	39,427	3,555
Other Expenses	18,447	19,540	9,661	8,868	793
Depreciation, Amortisation + Impairment	64,652	65,010	32,772	32,161	611
Labour Internal Charges	(19,309)	(19,309)	(9,734)	(8,899)	(834)
Non-Labour Internal Charges	(2,339)	(2,339)	(1,179)	(1,104)	(75)
Total Expenses From Continuing Operations	291,087	296,789	146,629	144,474	2,154
Operating Result	22,911	16,520	8,308	9,923	1,615
Operating Result [pre capital]	(9,180)	(20,319)	(8,739)	(6,107)	2,632
Funding Statement					
Net Operating Result for the Year	22,911	16,520	8,308	9,923	1,615
Add back :					
- Non-cash Operating Transactions	82,509	80,529	40,283	39,362	(921)
- Restricted cash used for operations	15,807	27,217	13,407	10,775	(2,632)
- Income transferred to Restricted Cash	(48,130)	(53,363)	(25,788)	(23,999)	1,789
Leases Repaid	0	(399)	(201)	(223)	(22)
Terminations	(14,018)	(14,099)	(6,997)	(6,941)	56
Funds Available from Operations	59,079	56,404	29,012	28,898	(114)
Borrowings Repaid	(5,482)	(5,482)	(2,716)	(2,717)	(0)
Advances (made by) / repaid to Council	0	0	0	0	0
Operational Funds Available for Capital Budget	53,597	50,922	26,296	26,181	(115)
CAPITAL BUDGET					
Assets Acquired	(107,093)	(107,586)	(46,858)	(43,803)	3,055
Contributed Assets	(8,358)	(8,358)	0	0	(0)
Transfers to Restricted Cash	(1,854)	(2,779)	(1,824)	(1,824)	0
Funded From :-					
- Operational Funds	53,597	50,922	26,296	26,181	(115)
- Sale of Assets	1,854	2,779	1,572	1,649	78
- Internally Restricted Cash	8,675	7,939	2,656	2,244	(412)
- Borrowings	0	0	0	0	0
- Capital Grants	20,069	20,803	9,963	9,303	(660)
- Developer Contributions (Section 94)	13,035	16,319	8,277	7,759	(518)
- Other Externally Restricted Cash	0	0	0	301	301
- Other Capital Contributions	10,958	10,998	355	523	169
TOTAL FUNDS SURPLUS / (DEFICIT)	(9,118)	(8,962)	437	2,334	1,898

WOLLONGONG CITY COUNCIL		
as at 31 December 2021		
	YTD Actual 2021/22 \$'000	Actual 2020/21 \$'000
Statement of Financial Position		
Current Assets		
Cash Assets	51,928	52,320
Investment Securities	87,339	103,334
Receivables	19,743	21,859
Inventories	473	463
Current Contract Assets	7,931	4,707
Other	9,152	6,682
Assets classified as held for sale	65	111
Total Current Assets	176,631	189,477
Non-Current Assets		
Non Current Cash Assets	30,000	12,000
Non Current Investment Securities	3,199	3,199
Non-Current Inventories	5,972	5,972
Property, Plant and Equipment	2,701,867	2,690,088
Investment Properties	4,600	4,600
Intangible Assets	114	152
Right-Of-Use Assets	1,281	1,471
Total Non-Current Assets	2,747,032	2,717,482
TOTAL ASSETS	2,923,662	2,906,958
Current Liabilities		
Current Payables	34,655	26,622
Current Contract Liabilities	8,311	8,177
Current Lease Liabilities	177	377
Current Provisions payable < 12 months	15,559	14,015
Current Provisions payable > 12 months	45,373	45,373
Current Interest Bearing Liabilities	5,497	5,497
Total Current Liabilities	109,572	100,062
Non-Current Liabilities		
Non Current Payables	0	0
Non Current Interest Bearing Liabilities	4,226	6,942
N/C Lease Liabilities	1,194	1,194
Non Current Provisions	39,312	39,314
Total Non-Current Liabilities	44,732	47,451
TOTAL LIABILITIES	154,304	147,513
NET ASSETS	2,769,358	2,759,445
Equity		
Accumulated Surplus	1,407,568	1,392,527
Asset Revaluation Reserve	1,223,700	1,223,744
Restricted Assets	138,090	143,174
TOTAL EQUITY	2,769,358	2,759,445

WOLLONGONG CITY COUNCIL		
CASH FLOW STATEMENT as at 31 December 2021		
	YTD Actual 2021/22 \$ '000	Actual 2020/21 \$ '000
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts:		
Rates & Annual Charges	122,625	214,468
User Charges & Fees	20,589	30,198
Interest & Interest Received	773	2,269
Grants & Contributions	22,436	58,978
Bonds, deposits and retention amounts received	412	755
Other	7,390	24,061
Payments:		
Employee Benefits & On-costs	(63,549)	(125,163)
Materials & Contracts	(45,272)	(87,653)
Borrowing Costs	(253)	(691)
Bonds, deposits and retention amounts refunded	-	(2,637)
Other	(12,357)	(20,275)
Net Cash provided (or used in) Operating Activities	52,794	94,309
CASH FLOWS FROM INVESTING ACTIVITIES		
Receipts:		
Sale of Investments	35,231	56,040
Sale of Infrastructure, Property, Plant & Equipment	1,649	1,531
Payments:		
Purchase of Investments	(37,207)	(69,745)
Purchase of Infrastructure, Property, Plant & Equipment	(49,945)	(78,658)
Net Cash provided (or used in) Investing Activities	(50,271)	(90,832)
CASH FLOWS FROM FINANCING ACTIVITIES		
Payments:		
Repayment of Borrowings & Advances	(2,716)	(5,260)
Repayment of Finance Lease Liabilities	(199)	(348)
Net Cash Flow provided (used in) Financing Activities	(2,916)	(5,608)
Net Increase/(Decrease) in Cash & Cash Equivalents	(392)	(2,131)
plus: Cash & Cash Equivalents - beginning of year	52,320	56,051
plus: Investments on hand - end of year	120,538	118,533
Cash & Cash Equivalents and Investments - year to date	172,466	172,453

WOLLONGONG CITY COUNCIL		
CASH FLOW STATEMENT as at 31 December 2021		
	YTD Actual 2021/22 \$ '000	Actual 2020/21 \$ '000
Total Cash & Cash Equivalents and Investments - year to date	172,466	172,453
Attributable to:		
External Restrictions (refer below)	74,509	78,088
Internal Restrictions (refer below)	66,693	70,676
Unrestricted	31,264	23,689
172,466	172,453	
External Restrictions		
Developer Contributions	37,046	38,719
RMS Contributions	610	115
Specific Purpose Unexpended Grants	8,227	9,687
Special Rates Levy Wollongong Mall	359	282
Special Rates Levy Wollongong City Centre	57	59
Local Infrastructure Renewal Scheme	-	277
Unexpended Loans	941	965
Domestic Waste Management	9,393	10,746
Private Subsidies	5,533	5,420
Housing Affordability	9,642	9,640
Stormwater Management Service Charge	2,701	2,178
Total External Restrictions	74,509	78,088
Internal Restrictions		
Property Investment Fund	9,389	9,388
Strategic Projects	41,185	46,558
Sports Priority Program	857	943
Car Parking Strategy	1,172	1,051
MacCabe Park Development	1,663	1,590
Darcy Wentworth Park	171	171
Garbage Disposal Facility	4,158	3,415
West Dapto Development Additional Rates	7,533	6,951
Southern Phone Natural Areas	173	173
Lake Illawarra Estuary Management Fund	392	436
Total Internal Restrictions	66,693	70,676

Notes to the Financial Statements:

While reviewing the information presented through this report, it should be noted that Council has elected to process additional transactions that vary from the accounting standards applied to year end reports to ensure the information at monthly intervals provides support to the decision-making and monitoring process. These transactions are summarised below:

- Timing of the recognition of Rates income – under AASB 1058, the Rates income is required to be recognised when it is raised. Through the monthly financial reports, the income has been spread across the financial year.
- Timing of the recognition of Financial Assistance Grant – under AASB 1058, the Financial Assistance Grant is required to be recognised on receipt. Through these financial reports, the income is spread across the financial year.

Manager Project Delivery Division Commentary December 2021 Capital Budget Report

On 29 June 2021, Council approved a Capital budget for 2021-2022 of \$107.1M.

The Capital Budget continues to vary each month as reported in the monthly finance report updates.

As at the end of December 2021, the approved Capital Budget is proposed to increase by \$0.7M from \$107.6M to \$108.3M due primarily to the rephasing of funding listed below:

- Roads to Recovery (Federal Government) funding for Harry Graham Drive rockfall catch fencing project.
- Section 7:11 Developer Contributions (West Dapto) for Wongawilli Rd upgrade.
- Section 7:12 Developer Contributions for various footpaths and shareways projects.
- Sports Priority Reserve Funding for a new project - Noel Mulligan Oval sportsfield lighting.

Council achieved expenditure at the end of December 2021 of \$43.8M compared to the most recently adjusted phased budget expenditure of \$46.9M. A review of the expenditure compared to phased budget has identified that most of this delay in achieving phased expenditure is due to:

- Impact of the 2-week shutdown of construction sites during the month of July due to COVID-19 related public health orders plus ongoing impacts on construction crews/sites of COVID-19 restrictions and/or exposure to positive COVID-19 cases.
- Impacts of COVID-19 restrictions and working from home on professional staff both within Council and at various State Government Utilities and Government authorities which issue planning approvals.
- Higher than usual rainfall throughout spring and summer.

Program	Major Points of change to Capital Budget
Traffic Facilities	Reduction of Transport for NSW funding for existing project due to reduced scope of work arising from community engagement.
Roadworks	Introduce additional Roads to Recovery (R2R) funding for existing project - Harry Graham Drive rockfall catch fencing. Reallocate Local Roads and Community Infrastructure (LR&CI) funding to existing projects in the Footpaths and Cycle/Share paths programs.
West Dapto Infrastructure Expansion	Introduce additional Section 7:11 Developer Contributions - West Dapto for existing project - Wongawilli Road Upgrade
Footpaths	Reallocate Local Roads and Community Infrastructure (LR&CI) funding from Roadworks program to Footpaths program for existing projects. Introduce additional Strategic Projects Reserve funding for existing project at William Beach Park.
Cycle/Shared Paths	Rephase Section 7:12 Developer Contributions for new shareway project at Reserve Road West Wollongong. Rephase Local Roads and Community Infrastructure (LR&CI) funding for existing project at Trinity Row Bulli.
Carpark - Reconstruction or Upgrading	Reallocate budget from Capital Budget Contingency to Carpark - Reconstruction or Upgrading
Floodplain Management	Rephase Department of Planning Industry and Environment (DPIE) funding for existing project

Program	Major Points of change to Capital Budget
	Reallocate budget from Floodplain Management Program to Stormwater Management Program
Stormwater Management	Reallocate budget from Floodplain Management Program to Stormwater Management Program.
Play Facilities	Rephasing of Local Roads and Community Infrastructure (LR&CI) funding for All Aged & Abilities Playground project in Stuart Park, due to delays in obtaining planning approvals.
Recreation Facilities	Reallocate Budget from Capital Project Contingency for existing projects.
Sporting Facilities	Introduce Sports Priority funding for new project - Noel Mulligan Oval sportsfield lighting.
Whytes Gully New Cells	Rephase Waste Reserve funding for existing project
Capital Project Contingency	Consolidation of multiple adjustments referenced above.

CAPITAL PROJECT REPORT							
as at the period ended 31 December 2021							
ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000	
	CURRENT BUDGET		WORKING BUDGET			VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
Parks Gardens And Sportfields							
Play Facilities	1,488	(443)	1,517	(472)	139	29	(29)
Recreation Facilities	5,877	(5,240)	5,982	(5,240)	2,080	105	0
Sporting Facilities	6,178	(3,586)	6,333	(3,741)	993	155	(155)
TOTAL Parks Gardens And Sportfields	13,543	(9,269)	13,832	(9,453)	3,212	289	(184)
Beaches And Pools							
Beach Facilities	550	(500)	550	(500)	33	0	0
Rock/Tidal Pools	350	0	350	0	142	0	0
Treated Water Pools	2,002	(32)	2,002	(32)	386	0	0
TOTAL Beaches And Pools	2,902	(532)	2,902	(532)	560	0	0
Natural Areas							
Natural Area Management and Rehabilitation	0	0	0	0	0	0	0
TOTAL Natural Areas	0	0	0	0	0	0	0
Waste Facilities							
Whytes Gully New Cells	1,325	(1,325)	1,425	(1,425)	548	100	(100)
TOTAL Waste Facilities	1,325	(1,325)	1,425	(1,425)	548	100	(100)
Fleet							
Motor Vehicles	1,830	(979)	1,830	(979)	558	(0)	0
TOTAL Fleet	1,830	(979)	1,830	(979)	558	(0)	0
Plant And Equipment							
Mobile Plant (trucks, backhoes etc.)	4,200	(905)	4,200	(905)	722	(0)	0
TOTAL Plant And Equipment	4,200	(905)	4,200	(905)	722	(0)	0
Information Technology							
Information Technology	1,050	0	1,050	0	442	(0)	0
TOTAL Information Technology	1,050	0	1,050	0	442	(0)	0
Library Books							
Library Books	1,283	0	1,283	0	642	(0)	0
TOTAL Library Books	1,283	0	1,283	0	642	(0)	0
Public Art							
Art Gallery Acquisitions	137	0	137	0	72	(0)	0
TOTAL Public Art	137	0	137	0	72	(0)	0
Land Acquisitions							
Land Acquisitions	4,191	(4,041)	4,191	(4,041)	3,893	0	0
TOTAL Land Acquisitions	4,191	(4,041)	4,191	(4,041)	3,893	0	0
Non-Project Allocations							
Capital Project Contingency	(1,221)	0	(1,726)	0	0	(505)	0
TOTAL Non-Project Allocations	(1,221)	0	(1,726)	0	0	(505)	0
GRAND TOTAL	107,586	(47,168)	108,305	(47,887)	43,803	719	(719)