wollongong
city of innovation

BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held at 6:00 PM on

Monday 30 June 2025

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

(Note: In accordance with the Code of Meeting Practice, Councillors will be able to attend and participate in this meeting via audio-visual link)

Order of Business

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

Members

Lord Mayor –
Councillor Tania Brown (Chair)
Deputy Lord Mayor –
Councillor Linda Campbell
Councillor Andrew Anthony
Councillor David Brown
Councillor Kit Docker
Councillor Dan Hayes
Councillor Ann Martin
Councillor Richard Martin
Councillor Ryan Morris
Councillor Tiana Myers
Councillor Thomas Quinn
Councillor Deidre Stuart
Councillor Jess Whittaker

QUORUM – 7 MEMBERS TO BE PRESENT

Statement of Ethical Obligations

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

OATH OR AFFIRMATION OF OFFICE

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

CONFLICTS OF INTEREST

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

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

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

Staff should also be mindful of their obligations under the Wollongong City Council ***Code of Conduct for Staff*** when preparing reports and answering questions during meetings of Council.

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MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 PM

Monday 16 June 2025

Present

Lord Mayor – Councillor Tania Brown (in the Chair)
Deputy Lord Mayor – Councillor Linda Campbell
Councillor Andrew Anthony
Councillor David Brown
Councillor Kit Docker
Councillor Dan Hayes
Councillor Ann Martin
Councillor Richard Martin
Councillor Ryan Morris
Councillor Tiana Myers
Councillor Thomas Quinn
Councillor Deidre Stuart
Councillor Jess Whittaker

In Attendance

General Manager (Acting)	Joanne Page
Director Infrastructure + Works, Connectivity Assets + Liveable City (Acting)	Paul Tracey
Director Planning + Environment, Future City + Neighbourhoods	Linda Davis
Director Corporate Services, Connected + Engaged City	Renee Campbell
Director Community Services, Creative + Innovative City	Kerry Hunt
Chief Financial Officer	Brian Jenkins
Chief Digital + Information Officer (attended via audio-visual link)	Ingrid McAlpin
Manager City Strategy	Chris Stewart
Manager City Works (Acting)	Greg Knight
Manager Commercial Operations + Property (Acting)	Roisin OSullivan
Manager Community Culture + Engagement	Sue Savage
Manager Customer + Business Integrity	Todd Hopwood
Manager Infrastructure Strategy + Planning (attended via audio-visual link)	Nathan McBriarty
Manager Project Delivery (Acting)	Jeremy Morgan
Manager Regulation + Enforcement	Corey Stoneham
Manager Sport + Recreation	Mark Berriman
Land Use Planning Manager	David Green

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

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CONFLICTS OF INTERESTS

Councillor Ann Martin declared a not-significant, non-pecuniary interest in Item 1 – Public Exhibition – Planning Proposal 190 Military Road, Port Kembla and Item 2 – Planning Proposal PP-2024/6 – 365 Marshall Mount Road, Marshall Mount, due to her employment at the Department of Planning and Environment. As she is not involved in planning matters related to the Wollongong LGA, Councillor A Martin advised she would remain in the meeting during debate and voting on the items.

Councillor Campbell declared a not-significant, non-pecuniary interest in Item 1 – Public Exhibition – Planning Proposal 190 Military Road, Port Kembla, as she lives near the site. Councillor Campbell advised she would remain in the meeting during debate and voting on the item.

Councillor Anthony declared a pecuniary conflict of interest in Item 5 – Tender T1000142 - Wollongong City Council Design & Technical Services Panel (2024) due to a familial relation to the Director of one of the tenderers. Councillor Anthony advised he would depart the meeting during debate and voting on the item.

PRESENTATIONS

The Lord Mayor, Councillor Tania Brown, presented a trophy received by Wollongong City Council in being awarded Highly Commended in the 'Organisational Diversity and Inclusion' category at the NSW Local Government Excellence Awards, for work to provide meaningful employment for people with intellectual disability. This program was led by the Regulation & Enforcement and People & Culture teams.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 26 MAY 2025

73 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Docker that the Minutes of the Ordinary Meeting of Council held on Monday, 26 May 2025 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM

ITEM NO	TITLE	NAME OF SPEAKER
2	PLANNING PROPOSAL PP-2024/6 - 365 MARSHALL MOUNT ROAD, MARSHALL MOUNT	ED KARIM – CAVI PROPERTY GROUP **AGAINST RECOMMENDATION**
6	NOTICE OF MOTION - COUNCILLOR JESS WHITTAKER - THIRROUL SKATEPARK	ANNETTE JONES – THIRROUL VILLAGE COMMITTEE **FOR RECOMMENDATION**

74 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Docker that all speakers be thanked for their presentation and invited to table their notes.

CALL OF THE AGENDA

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

ITEM A - LORD MAYORAL MINUTE - KEMBLA GRANGE LEVEL CROSSING - NORTHCLIFFE DRIVE EXTENSION

76 COUNCIL'S RESOLUTION – RESOLVED UNANIMOULSY on the motion of Councillor T Brown that Wollongong City Council write to the NSW Minister for Transport and local members to highlight concerns associated with the high-risk railway level crossing at Kembla Grange.

ITEM B - LORD MAYORAL MINUTE - PROJECT BUCEPHALUS

77 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown that Wollongong City Council formally recognise the achievements of the Project Bucephalus team through the Lord Mayor's 'Local Heroes' Recognition platform.

ITEM 1 - PUBLIC EXHIBITION - PLANNING PROPOSAL 190 MILITARY ROAD, PORT KEMBLA

78 COUNCIL'S RESOLUTION - RESOLVED UNANIMOULSY on the motion of Councillor A Martin seconded Councillor Campbell that -

1 A Planning Proposal be prepared for Lot 1 Section 5 DP 978082, 190 Military Road, Port Kembla to permit the additional land use of "restaurant or café" on the site, with a maximum gross floor area of 150m^2, and submitted to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination.

2 If a Gateway Determination is issued, the Planning Proposal be exhibited for a minimum period of 28 days.

3 The NSW Department of Planning, Housing and Infrastructure be advised that Council wishes to use its delegations to finalise the Planning Proposal.

A PROCEDURAL MOTION was MOVED by Councillor Campbell seconded Councillor Quinn that Councillor A Martin be granted an additional two minutes to address the meeting in relation to Item 1.

ITEM 2 - PLANNING PROPOSAL PP-2024/6 - 365 MARSHALL MOUNT ROAD, MARSHALL MOUNT

79 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Campbell seconded Councillor Morris that the Planning Proposal request for Lot 8 DP 626078, 365 Marshall Mount Road, Marshall Mount not be progressed as the proposal lacks strategic and site-specific merit.

In favour Councillors Hayes, R Martin, D Brown, Quinn, Myers, A Martin, Campbell, Anthony, Docker, Whittaker, Stuart and T Brown

Against Councillor Morris

ITEM 3 - PROPOSED SALE OF OPERATIONAL LAND (CLOSED PUBLIC PATHWAY) - LOT 1 DP 1279818 TO NO. 1 ADINA AVENUE WEST WOLLONGONG

The following staff recommendation was adopted as part of the Block Adoption of Items (refer minute number 75).

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

1 Council authorise the sale of Lot 1 DP 1279818 to the owner of Lot 92 DP 31112 on the following condition:

a Each party be responsible for their own legal costs.

2 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

ITEM 4 - AUDIT RISK AND IMPROVEMENT COMMITTEE - EXTENSION OF TERM - MR CARL MURPHY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer minute number 75).

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Quinn that the term of Mr Carl Murphy as an independent member of the Audit, Risk and Improvement Committee be extended for the period up to 31 December 2028.

DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor Anthony departed the meeting at 6:58 pm and was not present for the debate and voting on Item 5. Councillor Anthony returned to the meeting at 6:59 pm at the conclusion of Item 5.

ITEM 5 - TENDER T1000142 - WOLLONGONG CITY COUNCIL DESIGN & TECHNICAL SERVICES PANEL (2024)

80 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Hayes seconded Councillor R Martin that -

1 In accordance with Section 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accept the tenders shown below in Tables 1–19 from the Panel Consultants for the provision of design and technical services to Council.

2 The contract be awarded for an initial term of three (3) years, with two (2) optional extensions of one (1) year/s each for a maximum term of 5 years, with any such extensions being exercised at the sole discretion of Council.

3 Council delegate to the General Manager the authority to finalise and execute the contracts and any other documentation required to give effect to this resolution.

4 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 6 - NOTICE OF MOTION - COUNCILLOR JESS WHITTAKER - THIRROUL SKATEPARK

MOVED by Councillor Whittaker seconded Councillor Docker that Wollongong City Council write to Member for Heathcote, Maryanne Stuart MP, to request her assistance with any opportunities for state government funding to deliver the Thirroul Skatepark.

81 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion (AMENDMENT) of Councillor Hayes seconded Councillor R Martin that Wollongong City Council –

1 Thank the NSW Government for their support for many council projects and continuing support to the Wollongong LGA.

2 Thank Wollongong City Council staff for the work on progressing the skate park projects including the Thirroul skate park.

3 Thank the community for their feedback, advocacy, and involvement in the skate park projects including the Thirroul skate park.

4 Commit to writing to the Member for Heathcote once location, size and budget is proposed to advocate for a funding promise.

Variation

The variation moved by Councillor Morris (the addition of point 4) was accepted by the mover and seconder.

Councillor Hayes AMENDMENT on being PUT to the VOTE was CARRIED.

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

ITEM 7 - NOTICE OF MOTION - COUNCILLORS ANDREW ANTHONY, DEIDRE STUART, KIT DOCKER AND JESS WHITTAKER - COMMEMORATING 80 YEARS SINCE HIROSHIMA & NAGASAKI

82 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Anthony seconded Councillor Docker that Wollongong City Council –

1 Acknowledges the 80th anniversaries of the atomic bombings of the Japanese cities of Hiroshima and Nagasaki on 6th and 9th of August 1945; honours the memory of the more than 210,000 people who died; and recognises the ongoing suffering of survivors (Hibakusha) and their descendants.

2 Continues our commitment to annually marking Hiroshima and Nagasaki Day through public acknowledgement and community engagement, as an opportunity to reflect on the humanitarian consequences of nuclear warfare and to promote peace.

3 Reaffirms its commitment to peace, community safety, and the protection of human life and the environment.

4 Recognises the continuing threat posed by nuclear weapons and the catastrophic impact their use would have on cities, civilians, and ecosystems globally.

5 Reaffirms our support for International Campaign to Abolish Nuclear Weapons (ICAN) Cities Appeal, which supports the United Nations Treaty on the Prohibition of Nuclear Weapons.

6 Write to the Australian Government for its stance and reasoning on the UN Treaty on the Prohibition of Nuclear Weapons.

Variation *The variation moved by Councillor Hayes (Original point 6 to be replaced with "Write to the Australian Government for its stance and reasoning on the UN Treaty on the Prohibition of Nuclear Weapons") was accepted by the mover and seconder.*

THE MEETING CONCLUDED AT 7:35 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 30 June 2025.

Chairperson

ITEM 1 POST EXHIBITION - DRAFT OUR WOLLONGONG OUR FUTURE 2035

At its meeting on 7 April 2025, Council resolved to place on exhibition the draft suite of forward strategic plans collectively titled Our Wollongong Our Future 2035.

At its meeting on 5 May 2025, Council resolved to place the draft Asset Management Plan on public exhibition from the 7 May to June 2025. While this was exhibited separately to the broader Our Wollongong Our Future 2035, it forms an integral part of Council's Resourcing Strategy and aligns with the priorities outlined in the Community Strategic Plan and Delivery Program.

These documents set out Council's proposed strategic priorities, actions and resource commitments for the current term and beyond. The exhibition period provided the community with an opportunity to review the draft plans and submit feedback and input. The documents are now presented to Council for adoption, incorporating proposed amendments made in response to submissions and updated information.

RECOMMENDATIONS

1 Council note the engagement feedback and submissions received from the community and staff responses on the exhibited Our Wollongong Our Future 2035 suite (Attachments 1 and 2).

2 Council note the proposed amendments to the Our Wollongong Our Future 2035 documents made in response to submissions received during the public exhibition and to reflect updated information (Attachment 3).

3 Council endorse the Post Exhibition Our Wollongong Our Future 2035 Community Strategic Plan (Attachment 4).

4 Council adopt the following Post Exhibition documents:

   a Financial Sustainability Council Policy (Attachment 5)

   b Asset Management Council Policy (Attachment 6)

   c The Resourcing Strategy 2025-2035; inclusive of the Long-Term Financial Plan 2025-2035, Asset Management Strategy 2025-2035, Workforce Management Strategy 2025-2029, Digital Strategy 2025-2029 (Attachment 7)

   d Asset Management Plan 2025-2035 (Attachment 8)

   e Delivery Program 2025-2029 and Operational Plan 2025-2026 (Attachments 9-12)

5 Council make the rates and annual charges for the period 1 July 2025 to 30 June 2026 as specified in the Post Exhibition Draft Revenue Policy, Rates, Annual Charges and Fees 2025-2026 (Attachment 12).

6 Council approve the waiver of outdoor dining fees for the period of 1 July 2025 to 30 June 2028 as specified in the Post Exhibition Draft Revenue Policy, Rates, Annual Charges and Fees 2025-2026 (Attachment 12) to support outdoor dining and hospitality businesses within the Local Government Area. Outdoor dining licence holders will still be required to pay the required amount for a bond.

7 The General Manager be authorised to make minor editorial amendments to the adopted Our Wollongong Our Future 2035 suite, including attachments.

8 Council acknowledge and thank community members and organisations for their participation and feedback during the process of developing the Integrated Planning and Reporting documents.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer
Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

1 Our Wollongong 2035 Engagement Report
2 Summary of Draft Delivery Program 2025-2029 and Operational Plan 2025-2026 Submissions Received During Exhibition
3 Summary of Proposed Amendments to the Post Exhibition Draft Our Wollongong Our Future 2035 Suite
4 Post Exhibition Draft Our Wollongong Our Future 2035 Community Strategic Plan
5 Post Exhibition Draft Financial Sustainability Council Policy
6 Post Exhibition Draft Asset Management Council Policy
7 Post Exhibition Draft Resourcing Strategy 2025-2035
8 Post Exhibition Draft Asset Management Plan - Our Asset Plan 2025-2035
9 Post Exhibition Draft Delivery Program 2025-2029 and Operational Plan 2025-2026
10 Attachment 1 - Post Exhibition Draft Budget 2025-2026
11 Attachment 2 - Post Exhibition Draft Infrastructure Delivery Prrogram 2025-2026 to 2028-2029
12 Attachment 3 - Post Exhibition Draft Revenue Policy, Rates, Annual Charges and Fees 2025-2026

BACKGROUND

Council's Our Wollongong Our Future 2035 Integrated Planning suite includes:

- Draft Our Wollongong Our Future 2035 Community Strategic Plan
- Draft Financial Sustainability Council Policy
- Draft Asset Management Policy
- Draft Resourcing Strategy 2025-2035 (includes Long Term Financial Plan, Asset Management Strategy, Workforce Management Strategy, Digital Strategy)
- Asset Management Plan 2025-2035
- Draft Delivery Program 2025-2029 and Operational Plan 2025-2026
    - Attachment 1 - Draft Budget 2025-2026
    - Attachment 2 - Draft Infrastructure Delivery Program 2025-2026 to 2028-2029
    - Attachment 3 - Draft Revenue Policy, Rates, Annual Charges and Fees 2025-2026

The Community Strategic Plan set outs the community's long-term vision, aspirations and goals for the future of Wollongong.

The Community Strategic Plan is supported by the Resourcing Strategy 2025-2035 which comprises the Long Term Financial Plan, Asset Management Strategy and Plan, Workforce Management Strategy and Digital Strategy. The Resourcing Strategy outlines and assesses Council's capacity to manage our finances, people, technology and assets against the expressed desires of our community.

Council's response to the community's aspirations is detailed in the Delivery Program 2025-2029 and Operational Plan 2025-2026. The Delivery Program 2025-2029 and Operational Plan 2025-2026 also includes Council services, operational and infrastructure budgets and the Revenue Policy, incorporating rates, annual charges and fees.

Together, these documents fulfil Council's Integrated Planning and Reporting responsibilities under the *Local Government Act 1993.*

A two-phase approach to engagement was undertaken to develop the plans. Phase 1 of the engagement focused on understanding the community's vision, values, and priorities for the future of the Wollongong Local Government Area. Phase 2 invited the community to review and provide feedback on the draft Plans to confirm whether they reflected the aspirations identified during the first phase (further detail of engagement undertaken can be found in Attachment 1).

As part of phase 2 engagement the Draft Our Wollongong Our Future 2035 Integrated Planning documents were placed on public exhibition from 9 April to 7 May 2025. Of the submissions received by Community members and organisations during the exhibition there were a total of 50 submissions

relating to the Community Strategic Plan and 107 submissions relating to the Delivery Program and Operational Plan.

Summary of community feedback Our Wollongong Our Future 2035 Community Strategic Plan

50 submissions were received by our community during exhibition (phase 2 of engagement). Community feedback on the draft Our Wollongong Our Future 2035 Community Strategic Plan was generally supportive of its overall direction and structure, recognising that it reflected many of the aspirations raised during earlier engagement (phase 1). Across both phases, and through a broad and inclusive process, the community consistently identified priorities including environmental protection and climate action, access to affordable and diverse housing, inclusive and accessible transport, local job creation, cultural vibrancy, and a healthy, connected and inclusive community. The Our Wollongong 2035 Engagement Report can be found in Attachment 1. Changes resulting from the submissions are outlined in Attachment 3.

Community Vision

The inclusion of Dharawal Country and recognition of Traditional Custodians in the draft vision was well received and seen as an important step towards a more inclusive and culturally grounded strategic direction. Feedback included requests to reference valuing and protecting the natural environment. Overall, community members acknowledged that the vision reflected many of the themes raised during earlier engagement, including a focus on sustainability, liveability, and connection to place.

It is proposed to include the wording ‘we value our natural environment’ in the vision as follows:

Amended Vision: *‘On Dharawal Country, from the mountains to the sea, we value our natural environment, we respect each other, our past and future. We will be a sustainable, connected, vibrant, and innovative city, with a diverse economy.’*

Goal 1 - We are a sustainable and climate resilient city

There were submissions reflecting our community’s passion for valuing and protecting the environment. Some submissions asked for this goal to include the words ‘we value and protect our natural environment’. Some focused on ecological sustainability, biodiversity, and climate mitigation, while a minority opposed this direction, promoting nuclear energy and criticising renewable targets. In relation to Community Indicators, there were requests for clarity on particular measures, and suggestions for alternate measures.

Goal 2 - We have well planned, connected, and liveable places

Community feedback consistently emphasised the importance of planning that balances growth with liveability, accessibility, and local character. Community members called for quality development and neighbourhoods that are walkable, well-connected and inclusive, with safe pedestrian and cycling infrastructure, access to parks and public transport, and developments that incorporate sustainability and design quality. Several submissions requested that the Plan include reference to ‘affordable transport’. Community members also urged Council to plan proactively for schools, health services, and recreation facilities, ensuring that growth is supported by the infrastructure needed to support liveability.

Goal 3 - We foster a diverse economy, and we value innovation, culture, and creativity

There was clear advocacy for local job creation, support for small businesses, and the revitalisation of key commercial areas, alongside a desire to see greater investment in arts, events, public spaces, and creative industries. Feedback also highlighted the importance of economic inclusion, with calls for pathways into employment for young people, people with disability, Aboriginal communities, and newly arrived migrants.

In addition, participants valued the cultural identity of Wollongong and called for more accessible creative venues, public art, and celebrations of multiculturalism and Aboriginal heritage.

Goal 4: We have a healthy, respectful, and inclusive community

Submissions expressed care and concern for the health, wellbeing, and inclusion of all residents, particularly those experiencing disadvantage or exclusion. There were specific requests to reference an ‘engaged community’ and ‘education’ in the Plan. Participants highlighted the need for accessible health

services, including mental health care, bulk-billing general practitioners, and better hospital access. There was strong support for initiatives that promote local food security, active lifestyles, and community wellbeing, such as community gardens, outdoor fitness facilities, and accessible public spaces. Our community emphasised the need for opportunities for vulnerable communities to have equitable access to services and facilities including libraries, community centres, and social infrastructure. There were specific calls for greater representation of Aboriginal people in decision-making, as well as support for multicultural, LGBTQIA+, and intergenerational programs.

Submission Summary Delivery Program 2025-2029 and Operational Plan 2025-2026

A total of 107 submissions were received from community members and organisations on the Draft Delivery Program 2025-2029 and Operational Plan 2025-2026 during the exhibition period. The submissions contained 284 matters with the following themes/topics emerging:

- *Transport* – Transport related submissions accounted for the largest theme of submissions. This included road and pedestrian safety, active transport, accessibility of roads, requests for footpaths (new, widened, connections and missing links). In this category, a number of submissions included requests to improve pedestrian safety at the Wentworth and Church Streets intersection, Port Kembla. Some submissions were in relation to NSW Government managed roads and projects.
- *Sporting and recreation* – These submissions related to the quality, availability, and accessibility of sporting and recreation infrastructure across the Local Government Area. Submissions requested sporting facility upgrades (lighting, amenities and drainage) at various locations to support growth in participation, support for playground upgrades and support for skate parks.
- *Environmental management and sustainability* – This feedback did not concentrate on a single issue and reflected a broad view of environmental interests from residents and organisations. Submissions referenced the importance of maintaining and expanding urban tree canopy, calls to protect and enhance street trees and increase vegetation cover. There was also a desire to safeguard local bushland and protect natural areas from overdevelopment or degradation.
- *Stormwater and flood management* – Requests for improved street drainage at various locations throughout the Local Government Area.
- *North Wollongong Surf Life Saving Club surf boat storage* – These submissions request Council provide funding and reintroduce a project to the Infrastructure Delivery Program for an operational storage facility.
- *Community facilities* – A range of submissions reflected a desire for functional, inclusive and future-proof community infrastructure, with feedback clustered around Warrawong, Helensburgh, Wongawilli, and Otford. Submissions reiterated support for the delivery of the Southern Suburbs Library and Community Centre, while other submissions voiced concern with project delays and perceptions of unequal investment across suburbs.

A range of other items were raised by the community and these, along with the above, are outlined in Attachment 2. The responses contained in this attachment form part of the reply to correspondence to individuals or organisations who have made a submission following Council adoption of the Plans. Changes have been made to the Draft Delivery Program 2025-2029 and Operational Plan 2025-2026 as a result of the feedback received. These changes can be found in Attachment 3.

All submissions received during the public exhibition period have been reviewed and given due consideration. All submissions received for the Our Wollongong Our Future 2035 Community Strategic Plan have been reflected in the Our Wollongong 2035 Engagement Report (Attachment 1). Responses are provided to all Delivery Program and Operational Plan submissions received during the exhibition period (Attachment 2).

Post Exhibition Draft Financial Sustainability Council Policy

The draft Financial Sustainability Council Policy was exhibited concurrently with the Integrated Planning documents, although it was reported separately to Council for endorsement prior to exhibition. The Policy represents an evolution of Council's former Financial Strategy Council Policy, with a strengthened focus on medium- and long-term sustainability, asset renewal planning, and affordability principles. It introduces revised financial measures that align with Council's updated Asset Management Strategy (as

part of the Resourcing Strategy 2025-2035) and seeks to guide decision-making around funding capacity, service continuity, and intergenerational equity.

One minor amendment was made to terminology post exhibition, with the measure 'funds available for replacement' clarified to read 'funds available for asset replacement' to improve understanding. No submissions were received during the exhibition period. The Policy is now recommended for adoption, as part of Council's broader financial planning framework and commitment to organisational sustainability.

Post Exhibition Draft Asset Management Council Policy

The Asset Management Policy outlines Council's approach to the sustainable and coordinated management of over $7 billion in community and corporate assets. It defines key principles, roles, and responsibilities to ensure these assets support service delivery and long-term community outcomes. The policy aligns with the goals of the Our Wollongong Our Future 2035 Community Strategic Plan and supports the Resourcing Strategy and Delivery Program.

No submissions were received during the exhibition period. The Post Exhibition Draft Asset Management Policy is recommended for adoption.

Post Exhibition Draft Resourcing Strategy 2025-2030

The Resourcing Strategy 2025–2035 outlines how Council will manage its finances, workforce, assets, and technology to deliver on the community's long-term aspirations. The Strategy comprises the Long Term Financial Plan, Asset Management Strategy, Workforce Management Strategy, and Digital Strategy. Together, these documents support the implementation of the Community Strategic Plan and the Delivery Program. No submissions were received during the public exhibition period on any component of the exhibited Resourcing Strategy. The Post Exhibition Draft Resourcing Strategy 2025–2035 is recommended for adoption.

The draft Asset Management Plan 2025-2035 supports the implementation of the Asset Management Strategy. While it was exhibited separately to the broader Our Wollongong Our Future 2035, it remains an integral part of Council's Resourcing Strategy and aligns with the priorities outlined in the Community Strategic Plan and Delivery Program. One submission was received during the exhibition period supporting the draft document. The Post Exhibition Asset Management Plan is recommended for adoption (Attachment 8).

Internal Review

Following the exhibition period, Council staff undertook a further review of the documents to account for external factors arising during the exhibition period and confirm Council's capacity to deliver on the proposed actions and commitments.

The suite of documents (Attachments 4-12) has been updated to incorporate proposed amendments made in response to public submissions and other changes as outlined in this report and Attachment 3.

CONSULTATION AND COMMUNICATION

Preparation of the draft Our Wollongong Our Future 2035 strategic planning documents began in October 2024 with the launch of the Our Wollongong Our Future engagement process. Council undertook a two-phased engagement process to inform the review of the Community Strategic Plan. Engagement activities were delivered in accordance with the requirements of section 402A of the *Local Government Act 1993* and aligned with Council's adopted Community Engagement Policy and endorsed principles.

Phase 1 of the engagement focused on understanding the community's vision, values, and priorities for the future of the Wollongong Local Government Area. Phase 2 invited the community to review and provide feedback on the draft Community Strategic Plan to confirm whether it reflected the aspirations identified during the first phase.

A wide range of methods were used to reach a broad cross-section of the community, including reply-paid postcards distributed to every household, surveys, targeted workshops, community circles, children's drawing sheets, and participation at community events. In total, 4,485 people provided input across both phases, with a further 5,858 contributions drawn from previous engagement activities.

Council applied a strong focus on inclusion and accessibility. Engagement materials were prepared using plain English and Easy Read formats, supported by translation tools, language aides, and alternative access methods. Targeted workshops and outreach were also held with Aboriginal communities, people with disability, multicultural groups, young people, and people experiencing homelessness to ensure the process captured diverse voices.

The engagement findings have directly informed the structure and content of the draft Our Wollongong Our Future 2035 Community Strategic Plan, which is presented to Council for adoption.

The draft plans and attachments were exhibited from 9 April to 7 May 2025. Engagement included:

- Hardcopies distributed to libraries and community centres
- Community pop up sessions available across the Local Government Area
- 2,670 total visits to the engagement page
- Notification to 9,056 stakeholders via Our Wollongong e-newsletter and registered users
- Members of Parliament (Federal and State) Meetings
- Traditional and social media promotion
- Presentation to Neighbourhood Forums
- Promotion to Council stakeholders and networks
- Promotion to other government agencies
- Presentations to Council committees and groups
- Website included Frequently Asked Questions for interested community members and the Google Translate link was made accessible from the webpage.
- An interactive draft Infrastructure Delivery Program map was available on Council's engagement page along with easy to sort listings of the program.

Stakeholder Engagement

Council's networks and stakeholders were contacted throughout the exhibition period. This included a broad range of individuals and organisations across sectors to ensure the draft documents were made accessible to diverse community voices and interests.

Key stakeholders included:

- Local business and industry groups
- Aboriginal community representatives and organisations
- Environmental and sustainability networks
- Community and cultural organisations
- Health and social service providers
- Multicultural and faith-based organisations
- Education institutions
- Sporting and recreation organisations
- Creative and cultural organisations
- Neighbourhood Forums and other local neighbourhood groups
- Youth networks
- Historical and special interest groups
- Federal and State Members of Parliament, and relevant government agencies.

All networks contacted throughout the exhibition period were encouraged to let their contacts know about the draft Plans to enable feedback to inform Council's decision-making.

Post-Exhibition Review and Development

The Post Exhibition Draft plans were refined following exhibition based on community feedback with input and engagement from Councillors, Executive, Senior Leadership Team and officers from across Council. A range of internal and external data sources informed the development of the Our Wollongong Our Future 2035 Integrated Planning documents, including previous Community Strategic Plans; Wollongong City Council State of Our City Report July 2022 to June 2024; Council's Supporting Documents; stakeholder engagement; community engagement feedback; Community Satisfaction and Wellbeing surveys; Councillor Workshops; staff meetings and workshops and current priorities.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Goal 4 "We are a connected and engaged community". It specifically delivers on the following:

Community Strategic Plan		Delivery Program 2022-2026
Strategy		Service
4.7	Demonstrate responsible decision-making based on our values, collaboration, and transparent and accountable leadership.	Corporate Strategy
4.8	Council's resources are managed effectively to ensure long term financial sustainability.	Financial Services
6.4	Plan and provide sustainable infrastructure for safe and liveable places integrated with the environment and accessible to key transport routes	Infrastructure Strategy and Support

SUSTAINABILITY IMPLICATIONS

The Our Wollongong Our Future 2035 Integrated Planning documents, including the Community Strategic Plan, Resourcing Strategy and Delivery Program, provide a strategic framework that supports long-term sustainability across environmental, social, financial and operational domains. The documents have been informed by community priorities, internal review, and existing Council strategies, including commitments on climate action and resilience, financial and organisational sustainability, and service delivery optimisation.

Adoption of the plans contributes to Council's broader sustainability objectives, including efficient and effective use of community resources, improved alignment of infrastructure and services, and integration of environmental considerations into strategic planning. No additional sustainability risks have been identified beyond those addressed through the integrated planning process.

RISK MANAGEMENT

Adoption of the Our Wollongong Our Future 2035 Integrated Planning documents addresses Council's legislative and regulatory obligations under the *Local Government Act 1993* including the ability to lawfully levy rates and charges and approving the budget.

Operational risks have been mitigated through the integrated development of the documents, informed by community engagement, internal consultation, and cross-organisational review. Reputational risks have been addressed through a comprehensive engagement process in accordance with Council's Community Engagement Policy, and the inclusion of changes in response to public submissions. No additional risks have been identified outside of those managed through Council's established risk management processes or corporate risk register.

FINANCIAL IMPLICATIONS

The following information outlines the proposed changes to the financial projections within the Revenue Policy and Long Term Financial Plan 2025-2035.

Revenue Policy, Rates, Annual Charges and Fees

Rates

As detailed in the Draft Revenue Policy, Rates, Annual Charges and Fees 2025-2026 For Exhibition (page 2), the 'Rate Yields' and 'Cents in the dollar' used in determining the actual rates charged would be subject to variation due to property adjustments during exhibition, including objections reviewed by the Valuer General and rateability and **categorisation** changes. The revised rates, base charges, minimums and yields for 2025-2026, including the General Income variation approved by the New South Wales Independent Pricing and Regulatory Tribunal (IPART) and recommended in this report are shown below.

Council's General Income from rates is proposed to be indexed by 4.7% in line with the IPART approved increase. Council generally maintains pricing relativity between categories and therefore the 2025-2026 rates will be significantly impacted by the application of the new land valuations provided by the Valuer General in 2024. Revaluations do not change Council's total General Income. Variations in land value do however affect the proportion to be paid by individual assessments, which will vary depending on the change in land value in relation to the average change in other land values. Residential land values decreased on average, while Business and Mining category average land valuations increased.

Table 1

Rating Category	Sub-Category	Number of properties	Ad Valorem Rate*	Base or Minimum Amount $	Notional Income Yield $
Residential**		83,011.23	0.00133822	$865.12 (B)	143,630,306
Farmland		107.00	0.00102775	$1192.57 (M)	601,976
Business	Ordinary	293.00	0.00139174	0.00	56,914
	Commercial	2,113.29	0.00923364	$1192.57 (M)	24,118,118
	3c Regional Business	279.48	0.00923364	$1067.87 (M)	5,655,698
	Light Industrial	1,498.00	0.00715139	$549.68 (M)	9,427,187
	Heavy Industrial	481.00	0.01101347	$1192.57 (M)	12,023,339
	Heavy 1 Activity 1	38.00	0.01672227	$1067.87 (M)	12,643,601
Mining		13.00	0.01459987	$1192.57 (M)	2,384,904
Special Rates	Wollongong Mall Rate	71.50	0.00562854	0.00	1,322,859
				TOTAL	**211,864,904**

*** The Ad Valorem Rate is the amount the land value is multiplied by to calculate individual Rates. This is shown in the same way on individual Rate Notices.**

**** The base amount for Residential Properties makes up 50% of the total revenue for Residential.**

(B) = Base Amount, (M) = Minimum Rate

Annual Charges and Fees

The proposed changes to the Fees and Charges mainly relate to Statutory fees and charges with further details provided in the Summary of Proposed Amendments (Attachment 3).

Outdoor Dining Fee Waiver Extension

Hospitality businesses were significantly impacted by COVID-19 public health restrictions across 2020, 2021 and 2022. To support COVID-safe operations and business recovery, Council introduced an outdoor dining fee waiver in 2020. This waiver was subsequently extended in 2021 until June 2025 and expanded to apply to businesses beyond the Wollongong CBD.

The Draft Revenue Policy, Rates, Annual Charges and Fees 2025-2026 proposed a staged reintroduction of outdoor dining fees, with a six-month waiver from 1 July to 31 December 2025, followed by a 50 percent waiver from 1 January to 30 June 2026, and full reintroduction of fees from July 2026.

During the public exhibition period, several submissions were received on this matter. All submissions opposed the proposed fee reintroduction, citing ongoing economic challenges such as inflation, reduced discretionary spending, construction activity in the Globe Lane precinct, and the continued recovery of the hospitality sector.

It is recommended Council approve an extension of the outdoor dining fee waiver for an additional three years, per recommendation 6 of this report.

Long Term Financial Plan and Draft Budget 2025-2026

Variations to the final projections are made as part of the planning process based on external submissions during the exhibition period and additional information becoming available during this time including the recurrent variations identified through the March Quarterly Review process adopted by Council in May.

The material impacts on the Long Term Financial Plan's Operating Result [pre capital] are as follows:

- **Aged and Disability Service**s: The operational budgets associated with the Aged & Disability Services have been removed for Community Transport from 1 July 2025 and for Social Support from 1 July 2027, following Council's resolution on 5 May 2025 to exit these services due to changes to Commonwealth funding frameworks under the *Aged Care Act 2024*.
- **Russell Vale Golf Course**: Revenue has been increased by $0.1M recurrently based on a trend in performance at the facility.
- **Outdoor Dining Fees**: The budget has been updated to reflect inclusion of waiver of fees from 1 July 2025 to 30 June 2028. The proposed funding from Strategic Projects Restricted Asset has been removed. This has had an impact of $0.3M per year.
- **Atchison and Auburn Street Bus Layover:** inclusion of additional revenue associated with the new lease arrangement for the Atchison & Auburn Street car park. This has had an impact of $0.2M per year.
- **Emergency Services Levy**: Post exhibition Council received the 2025-2026 assessment notice for Contributions to NSW Rural Fire Service, NSW Emergency Services and Fire and Rescue NSW. Overall, there has been an increase of $0.1M.
- **Safer Routes to Schools:** an allocation of $0.1M has been made from the Strategic Projects Restricted Asset for operational expenditure associated Safer Routes to Schools.

Financial Forecasts

The impact of the changes to the projected result for the four years is shown in the following table:

Table 2

Key Income & Expense Results	2025/2026 Budget $M	2026/2027 Forecast $M	2027/2028 Forecast $M	2028/2029 Forecast $M
Draft Operational Plan				
Funds Available for Asset Replacement	67.3	73.7	72.1	79.5
Funds Result	0.9	(0.3)	0.5	0.2
Available Funds	16.7	16.4	16.9	17.1
Revised Draft Operational Plan				
Funds Available for Asset Replacement	66.2	74.6	71.3	78.9
Funds Result	0.2	(0.5)	0.3	0.4
Available Funds	16.7	16.2	16.5	16.9

Long Term Financial Projections

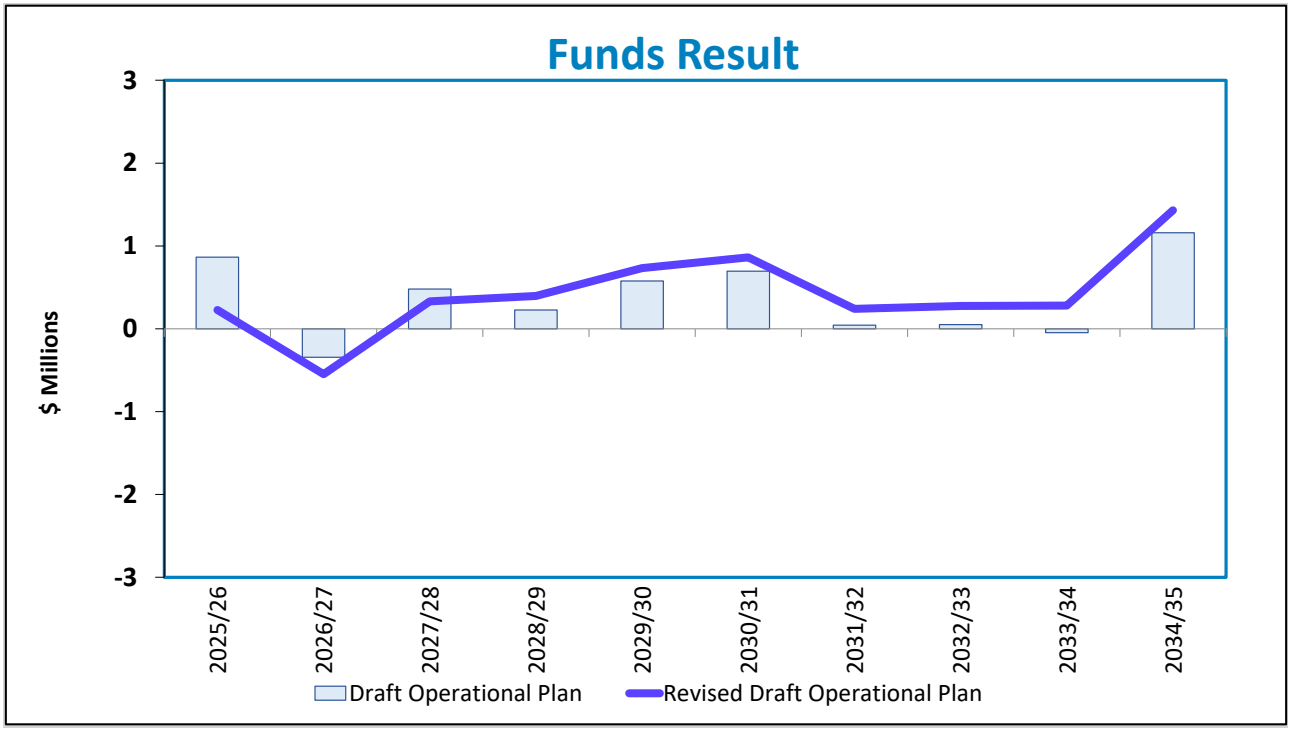
Key Performance Information shown below provides a comparison of the long-term forecasts that supported the exhibited draft Operational Plan 2025-2026 with the impact of changes that are now proposed. The revised projections reflect additional information that has become available during the exhibition period.

Total Funds Result

The Total Funds Result provides an indication that the forecast budgets for the 10 year period are affordable, and that cash can be managed to ensure that payments can be made as required. By holding a level of Available Funds and planning for near breakeven funds results, Council can maintain this position into the future so long as it also maintains its assets to ensure they are fit for purpose. The total funds result is inclusive of financing cash flow and movements in Restricted Assets.

Graph 1 shows the forecast Total Funds Result for the next 10 years. Council's Financial Sustainability Policy targets a break even or better result in each year although it will be possible to manage results across the reporting period. Currently, Council is forecasting a positive result across the 10 years, although has two years where the funding is currently slightly negative. The flexibility available in the Available Funds range, Graph 1 below, shows the quantum of these variations fall within the targets available. 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. This measure should be viewed over a long-term basis as annual results may be impacted by timing.

Graph 1



Asset Management Replacement Ratio

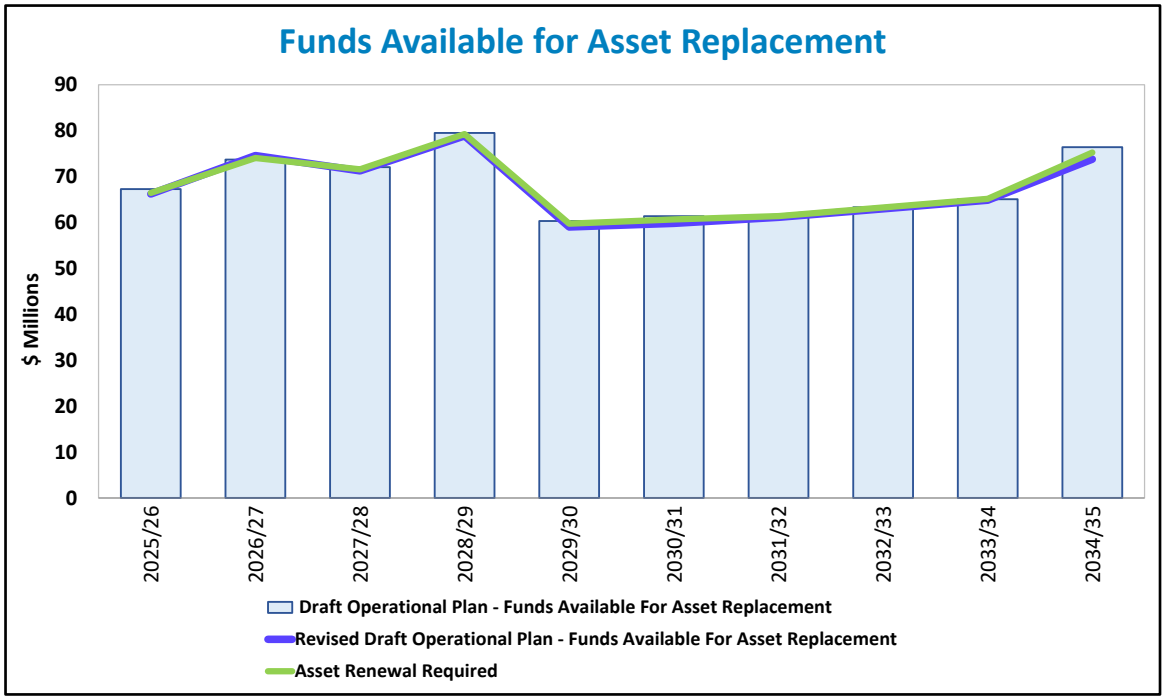
The Asset Management Replacement Ratio measures the estimated cost of asset replacement required over the period and indicates the level to which funds are available from operations to complete these works. Council's Financial Sustainability Policy prioritises the requirement to provide sufficient funds to replace assets as they fall due. The Asset Management Strategy and Plans are used to determine the amount required for asset replacement.

Where Council is producing sufficient revenue to cover its operating costs and has remaining funds available, that coupled with proceeds from asset sales and Restricted Assets can fund the required asset replacements, then the ratio would be one to one. Should Council not meet this funding requirement it would not be able to replace assets as required which would not meet the sustainability requirements.

Funds Available from Operations that are not required to be applied to asset replacement in the current year would be allocated to improve Available Funds, to provide new, enhanced, or upgraded assets, or be restricted to meet future requirements.

The requirement for the replacement of existing assets at agreed standards has been assessed through the Asset Management Strategy and Plans. The graph below depicts the relationship between Funds Available for Asset Replacement and Asset Renewals required. The one to one relationship meets expectations of financial sustainability.

Graph 2

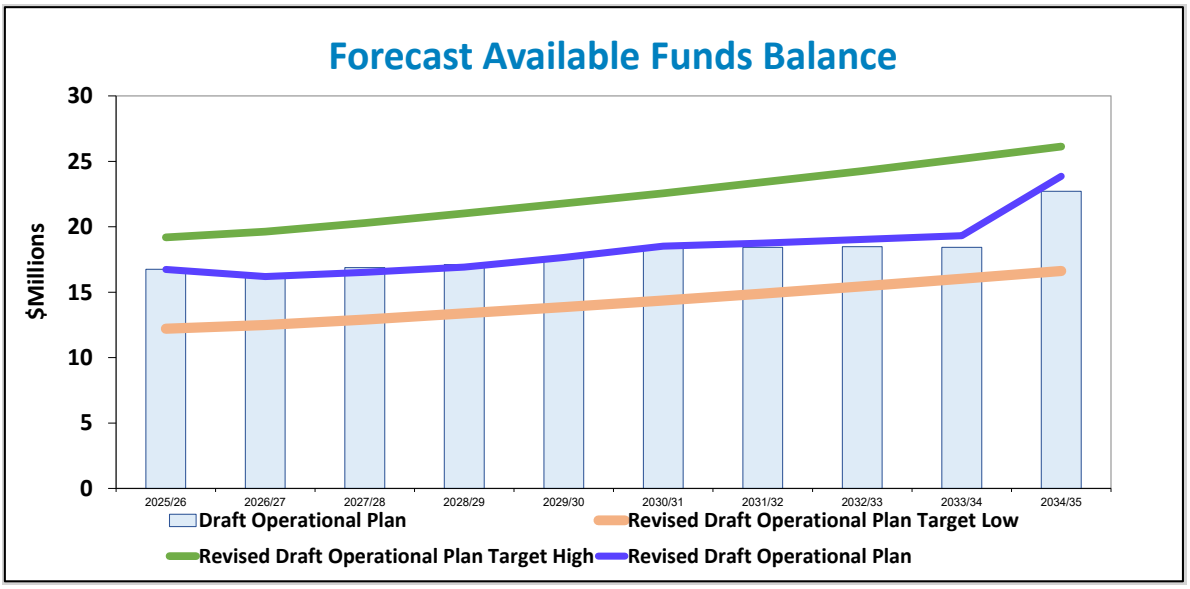


Available Funds

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 revised projections have been impacted by the movements in the Funds Result.

Graph 3



Infrastructure Delivery Program and Capital Budget

The Post Exhibition Draft Infrastructure Delivery Program 2025-2026 to 2028-2029 (Attachment 11) outlines Council's proposed investment plan over a four-year period into the provision of new, renewal of existing and major maintenance programs for infrastructure. In addition, Council proposed a plan for investing in non-infrastructure assets that support provision of services to the community. While the Infrastructure Delivery Program shows details of projects and programs planned over a four-year horizon, Council needs to ensure planning is over a longer horizon. This approach provides the ability to respond to external factors or unforeseen events. As such, Council adoption of the rolling four-year Infrastructure Delivery Program is at the asset class budget level and not at an individual project level.

The Post Exhibition Draft Infrastructure Delivery Program lists a total of 350 projects for work in 2025-2026, with 161 projects in design and 189 projects programmed for construction.

Table 3 shows Council's capital investment planned for the next four years. The first column is the proposed annual capital budget allocation, and the second column shows the variation from the exhibited budget.

Table 3

Capital Budget by Asset Class

	2025/2026		2026/2027		2027/2028		2028/2029	
	Revised Budget	Proposed Variance	Revised Forecast	Proposed Variance	Revised Forecast	Proposed Variance	Revised Forecast	Proposed Variance
	$M		$M		$M		$M	
Roads And Related Assets	25.3	1.6	19.9	(0.9)	21.3	0.6	15.6	0.4
West Dapto	22.9	(6.6)	36.7	1.4	32.9	7.9	20.3	(0.2)
Footpaths And Cycleways	11.7	(0.6)	19.6	(0.7)	12.5	1.0	10.7	2.7
Carparks	0.6	(2.1)	2.0	1.6	1.1	0.0	1.1	0.0
Stormwater And Floodplain Management	9.2	1.5	5.0	0.8	6.4	0.0	7.2	0.0
Buildings	40.7	(2.7)	45.7	9.9	29.4	0.9	14.4	0.0
Commercial Operations	2.5	0.2	2.1	0.5	2.5	0.6	0.3	(0.8)
Parks Gardens And Sportfields	3.5	0.5	3.9	0.8	2.8	0.4	2.8	0.8
Beaches And Pools	5.5	(0.5)	0.0	(3.3)	0.5	(0.0)	6.0	0.0
Natural Areas	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Waste Facilities	5.6	1.6	7.0	(0.5)	12.2	0.5	24.0	0.0
Fleet	1.2	0.0	1.3	0.0	0.8	0.0	2.8	0.0
Plant And Equipment	3.4	0.0	3.5	0.0	3.4	0.0	4.3	0.0
Information Technology	1.4	0.0	0.9	0.0	1.1	0.0	0.9	0.0
Library Books	1.4	0.0	1.4	0.0	1.5	0.0	1.5	0.0
Public Art	0.1	0.0	0.1	0.0	0.1	0.0	0.1	0.0
Emergency Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land Acquisitions	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Non-Project Allocations	4.2	1.1	4.9	1.0	6.4	(4.1)	12.8	(1.1)
Total	**139.4**	**(5.9)**	**154.0**	**10.7**	**135.0**	**7.7**	**124.8**	**1.8**
Contributed Assets	5.9	0.0	14.6	0.0	14.1	0.0	22.5	0.0
Total including Contributed Assets	**145.3**	**(5.9)**	**168.6**	**10.7**	**149.1**	**7.7**	**147.3**	**1.8**

Excluding contributed assets (see line item 'Contributed Assets' in Table 3), Council's total capital investment over the next four years is $553.2M. This is $10.4M more than the budget included in the draft Infrastructure Delivery Program that was placed on exhibition in April 2025.

Major changes in program funding since the Infrastructure Delivery Program was placed on exhibition include:

- Introduced an additional $1.2M Section 7.12 funding for Priority Pedestrian Facilities.
- Introduced an additional $2.8M of Section 7.12 funding for active transport.
- Introduced an additional $800k of Section 7.12 funding to accelerate two new sports facilities projects.

- Cleveland Road funding has been rephased.
- Stage 5 – West Dapto Road funding has been rephased.
- Southern Suburbs Library & Community Centre funding has been rephased.

The Capital Program and Budget over the forecast four years includes grant funding from a variety of NSW and Commonwealth Government funding programs; including the Infrastructure Betterment Fund NSW, Football Legacy Fund, Coastal and Estuary Program, Housing Acceleration Fund and Priority Community Infrastructure Program.

CONCLUSION

The Our Wollongong Our Future 2035 Integrated Planning documents set out Council's proposed service delivery priorities and decision making approach across the short to medium term. The Community Strategic Plan is an important direction setting document which outlines the shared vision and goals of the community for the next ten years. The Draft Delivery Program 2025-2029 and Operational Plan 2025-2026 detail how Council will contribute to the delivery of the strategies within the Community Strategic plan for which it has responsibility.

Following public exhibition, community feedback on the draft plans has been considered, and a series of changes are recommended for inclusion. These documents have been prepared and informed by extensive research, engagement and analysis, and are recommended for adoption.

For access to the attachments in this report, please use the below links:

Item 1 - Post Exhibition - Draft Our Wollongong Our Future 2035

Part 1

Part 2

Part 3

ITEM 2 PUBLIC EXHIBITION - WOLLONGONG BOTANIC GARDEN DRAFT MASTERPLAN

The draft Wollongong Botanic Garden Masterplan provides a proposed ten-year program of projects and services to manage the place and enhance the visitor experience of this key city asset.

This report recommends a public exhibition of the draft Wollongong Botanic Garden Masterplan be undertaken and reported back to Council prior to adoption

RECOMMENDATION

1 Council publicly exhibit the draft Wollongong Botanic Garden Masterplan for a period of 28 days.

2 Community and stakeholder feedback from the exhibition period be reported back to Council for consideration prior to adoption.

REPORT AUTHORISATIONS

Report of: Vanni De Luca, Manager Open Space + Environmental Serivces [Acting]
Authorised by: Paul Tracey, Director Infrastructure + Works (Acting)

ATTACHMENTS

1 Draft Wollongong Botanic Garden Masterplan 2025 - 2035 Report
2 Draft Wollongong Botanic Garden Masterplan graphic

BACKGROUND

The development of the Wollongong Botanic Garden Masterplan commenced in 2018-19, with the original Masterplan going through an extensive consultation and public exhibition process. It was always intended that a site masterplan would be adopted with an accompanying Conservation Management Plan for the Gleniffer Brae precinct of the site.

A five-year approval process via Heritage NSW for the Gleniffer Brae Conservation Management Plan (which was endorsed by the Heritage Council in 2023) has previously prevented both documents being submitted together for Council adoption.

The Gleniffer Brae Conservation Management Plan (technical document) provides guidance for the management of conservation values of this significant state heritage listed site located within the Botanic Garden. As it is a Heritage Council endorsed document, it is not proposed for any further amendments.

Both documents provide the detail required to ensure the total Botanic Garden site is managed appropriately for the next 10 years and in accordance with the Botanic Garden Plan of Management 2020.

Due to the length of time since the original public exhibition, further stakeholder engagements in 2023/24 and updates to the draft masterplan which have occurred, it is appropriate that a new public exhibition process be undertaken prior to finalising and providing the draft Wollongong Botanic Garden Masterplan to Council for adoption.

CONSULTATION AND COMMUNICATION

It is proposed to place the draft Botanic Garden Masterplan on public exhibition for 28 days. This will involve:

- Exhibit the Masterplan and supporting documents for a minimum of 28 days, commencing in July.
- Notify key stakeholders including previous participants who commented on first draft of the Masterplan.
- Have information available on the Our Wollongong website, in hardcopy at the libraries and promoted on-site at the gardens.
- Incorporate the exhibition into face-to-face events the Engagement team runs as part of their regular events schedule.
- Note that the Heritage Council endorsed Gleniffer Brae Conservation Management Plan (technical document) is available for information only during the exhibition period, but not amendment.

Report back to Council what was heard during the engagement period to the community.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Goal 3 "Wollongong is a creative, vibrant city.". It specifically delivers on the following:

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	**Service**
3.5 Provide communities with access to quality local spaces and places to meet, share and celebrate	Botanic Garden & Annexes

SUSTAINABILITY IMPLICATIONS

The Botanic Garden and Nursery service currently underpin many sustainability outcomes across the city including Urban Greening, Natural Area restoration, environmental / waste education and hands-on community outreach projects.

Conservation is a core value of the service and the partnerships facilitated. The Botanic Garden seeks to demonstrate sustainable practices and implement efficiencies wherever possible to reduce resource use and minimise its environmental footprint.

RISK MANAGEMENT

The recommended public exhibition process represents a low-risk action, the outcomes of which will be reported back to Council.

FINANCIAL IMPLICATIONS

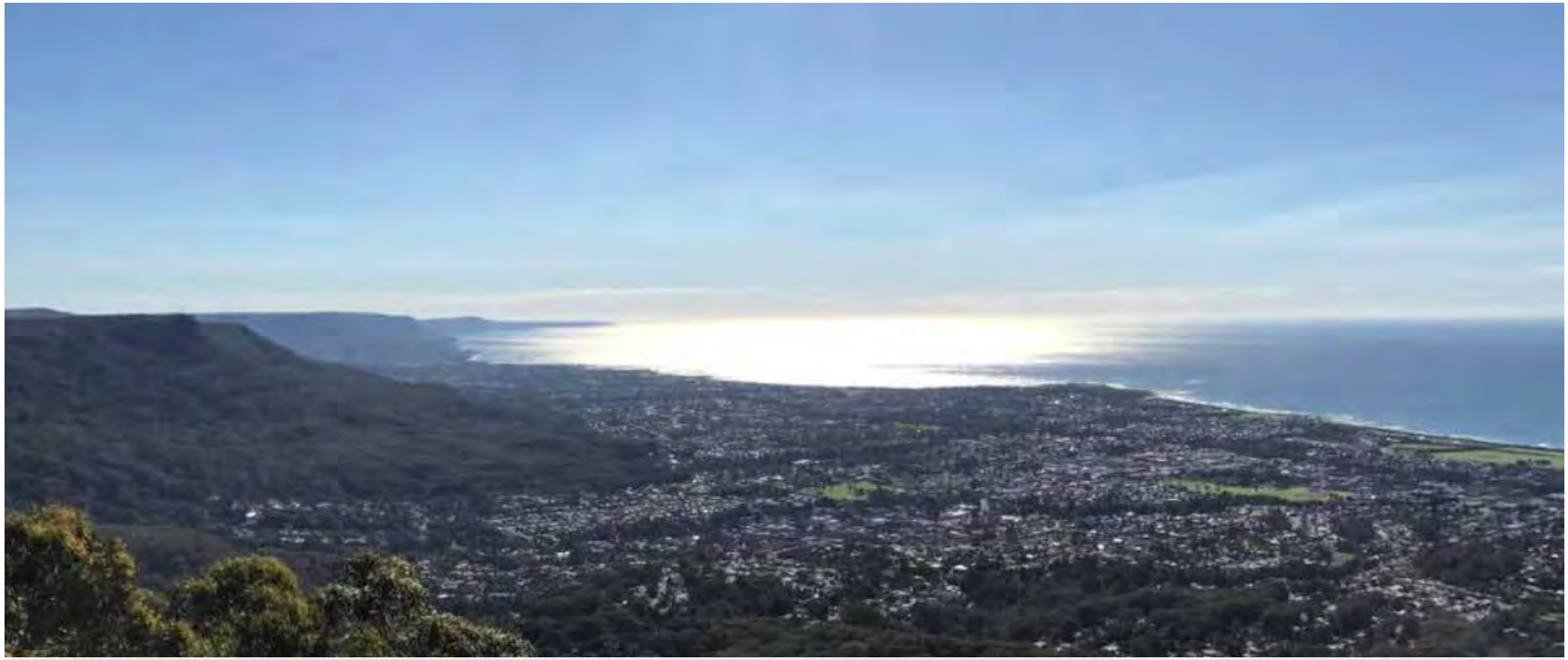
A number of priority projects identified for short term completion (next 1-2 years) are funded via operational budget or the Infrastructure Delivery program (Capital) and involve asset renewal/maintenance.

Longer term projects will require approvals via Council's business proposal process, and include funding options including Operational funds and Capital, funding provided via the Friends of the Wollongong Botanic Garden and from grants or externally sourced funds.

Short-term priorities 1-2 years (funded)	Mid-term 2-5 years (funding to be confirmed)	Long term 5-10 years (Business Proposal required)
Murphy's Avenue entry/accessible toilet (capital funded)	**Cratloe Cottage Café or alternative site** feasibility (operationally funded)	**Accessible entry from Northfields Avenue** Bus and pathways throughout site (Business proposal/capital)
Gleniffer Brae Heritage renewal works (capital funded) – works underway	**Site irrigation/ Duck Pond water quality aerator and silt investigation** (operationally funded)	**Murphy's Avenue Entry Carpark** Upgrade (business proposal)
Propagation Glasshouse/Solar/Depot renewal (capital funded)	**Gleniffer Brae carriageway, accessibility and other capital improvements** (capital funding/grants req'd)	**Joseph Banks Glasshouse/Temperate Garden** re-imagined (detailed consultation and business proposal)
Site Activation market testing for suitable activities on site that will enhance the visitor experience and align with permissible uses (operationally funded)	**Mercury Fountain interpretation** (BG Friends contribution)	**Rainforest final stage all access and aerial walk** (grants/sponsors)
Kawasaki Bridge renewal (grants/sponsors/capital)		

CONCLUSION

It is recommended that a public exhibition of the draft Wollongong Botanic Garden Masterplan be undertaken and reported back to Council prior to adoption.



WOLLONGONG CITY COUNCIL

DRAFT WOLLONGONG BOTANIC GARDEN MASTERPLAN

2025 - 2035

S17-0075

Issue P • 27/06/2024

DRAFT FOR PUBLIC EXHIBITION





WOLLONGONG BOTANIC GARDEN MASTERPLAN

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Document	Issue	Date	Status	Reviewed	Verified	Validated
S17-0075 R01	P	27/06/2024	FINAL	CC	CL	CL
S17-0075 R01	O	10/07/2018	FINAL	CC	CL	CL
S17-0075 R01	N	09/07/2018	FINAL	CC	CL	CL
S17-0075 R01	M	06/07/2018	FINAL	CC	CL	CL
S17-0075 R01	L	04/07/2018	FINAL	CC	CL	-
S17-0075 R01	K	03/07/2018	FINAL	CC	CL	-
S17-0075 R01	J	02/07/2018	FINAL	CC	CL	-
S17-0075 R01	I	15/06/2018	FINAL	CC	CL	-
S17-0075 R01	H	18/04/2018	DRAFT	CC	CL	-
S17-0075 R01	G	11/04/2018	DRAFT	CC	CL	-
S17-0075 R01	F	19/03/2018	DRAFT	CC	CL	-
S17-0075 R01	E	16/03/2018	DRAFT	CC	CL	-
S17-0075 R01	D	16/03/2018	DRAFT	CC	CL	-
S17-0075 R01	C	30/11/2017	DRAFT	CC	CL	-
S17-0075 R01	B	03/11/2017	DRAFT	CC	CL	-
S17-0075 R01	A	15/09/2017	DRAFT	CC	CL	

OVERVIEW

BACKGROUND TO THE PROJECT

The Wollongong Botanic Garden, managed by Wollongong City Council, is a highly valued botanic garden and recreation space for the community. It is a service of Wollongong City Council.

A 10-year masterplan is required to identify long term improvements to guide the development and service delivery for this key regional facility. This masterplan maintains and enhances horticulture and plant conservation, environmental education, passive recreation and the heritage of the site.

This masterplan has been updated to reflect work undertaken and anticipates services and projects over a 10-year timeframe between 2025-2035, after which a new masterplan will be developed.

THE WOLLONGONG BOTANIC GARDEN TODAY

Established in 1971, the Botanic Garden is open 363 days per year and has free entry. It contains a significant living plant collection of Australian forest plantings and exotic succulent, palm and flowering plant collections. It also hosts passive recreation activities as well as community and commercial events.

Built features include the heritage listed Gleniffer Brae Manor House, three school buildings occupied by the Wollongong Conservatorium of Music, the Discovery Centre, the Towri Centre, the Greenplan plant nursery and an all abilities playground.

CONTEXT OF THE WOLLONGONG BOTANIC GARDEN

The Wollongong Botanic Garden is a 27ha site located in Keiraville, Wollongong. It is bounded by the University of Wollongong to the north, and residential developments to the west, south and east.

The Botanic Garden, Mount Keira Summit Park, Puckeys Estate and Korrongulla Wetlands sites combine to form an accurate geographical representation of the City of Wollongong itself, which sits on a narrow coastal plain. Vegetation communities found within the escarpment include sandstone heath, wet and dry sclerophyll forest and rainforest, leading down to the coastal plain with its own unique dunal systems and fresh and saltwater plant communities.

The photographs and maps in the following pages illustrate this context.

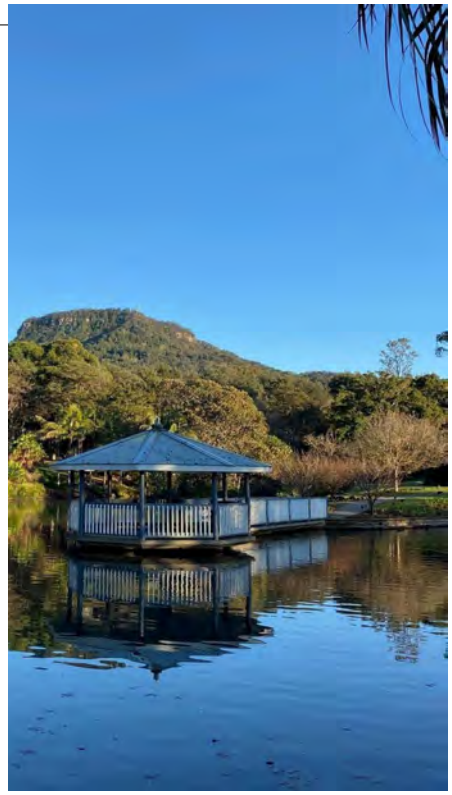
VISION

The Wollongong Botanic Garden is a Regional Botanic Garden of Excellence meeting the diverse visitor experience expectations of the community at the local level, whilst making a valued contribution at a global level through our work in Horticulture, Plant Conservation and Environmental Education.

MISSION

The Vision for the Garden will be realised through two commitments by Council and the Garden management and staff:

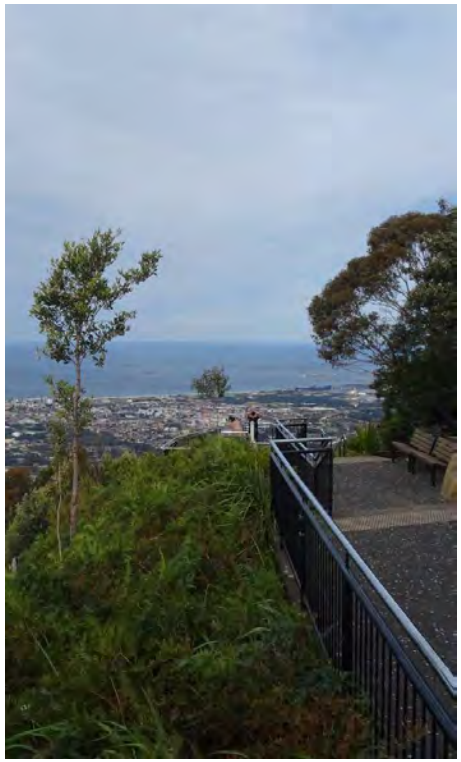
- To deliver a beautifully presented contemporary landscape space for the people of the City of Wollongong that provides a diverse recreational benefit whilst respecting the site's history and its role in supporting broader plant conservation objectives.
- To continue to be innovative educators promoting an awareness and appreciation for the natural environment, and the greater role plants have in supporting our everyday lives.



OVERVIEW

A BRIEF HISTORY OF THE BOTANIC GARDEN

Key periods of development of Garden are identified as follows. This is useful for understanding the historical development of the site and identifying surviving elements that have the potential to interpret key periods.



Mount Keira Lookout

KEY PERIOD	DATE RANGE	MANIFESTATION
Aboriginal Occupation	Pre-European Settlement	Vegetated Creek Landform (Mount Keira) Vegetation remnant Turpentine
Rural Estate	1825-1937 Paulsgrove 1825-1900 Fitzgerald 1901-1937	Clearing for Dairy Cratloe Cottage and Fence Claremont Cottage
Hoskins Era	1929-1955 Hoskins Occupation- 1937-1954	Gleniffer Brae House Sorensen Gardens and Planting Paths to Cratloe Cottage and Claremont Cottage Total combined site Fence lines
Botanic Garden Establishment	1955-1976 Spooner Plan 1962-1976 Zonal basis	Spooner design Zonal planting, Strong diagonal entry Service area northeast corner Cratloe Cottage and Claremont Cottage excluded from site Pathways constructed Rose Garden, Lake, Asiatic Zone Framework Planting Sir Joseph Banks Glasshouse RED Scheme Works – concrete paths; brick wall to rose garden; brick path around lake
SCEGGS -Gleniffer Brae	1955-1976	School buildings to southwest Caretaker's Cottage Playing fields, pool site, tennis court site
Botanic Garden Consolidation	1977- 1999 Miller Plan 1977-1988 Habitat based Focus on Illawarra flora	Site expansion to full extent. Association Planting of Natives: Rainforest, wet/dry Sclerophyll, Bog, Moraine, Dryland Garden Exotics grouped in habitat: Succulents, Conifers, Flowering Trees and Shrubs, Temperate, Woodland Nursery relocation, Northfields Ave Gates, Mercury Fountain (Woodward), Kawasaki Bridge, Rotunda in Lake, Service entry move Temple Garden, Cratloe Cottage repurposed as education centre, Leased Property Gleniffer Brae and outbuildings to Wollongong Conservatorium of Music.
Master Plan	2000-current	Towri Bush Tucker Garden, Sandstone Garden, Palm Collection, Tiny Forest Discovery Kitchen Garden, Period Gardens Gleniffer Brae All Abilities Playground, Rotunda, Car parking to Cratloe Cottage

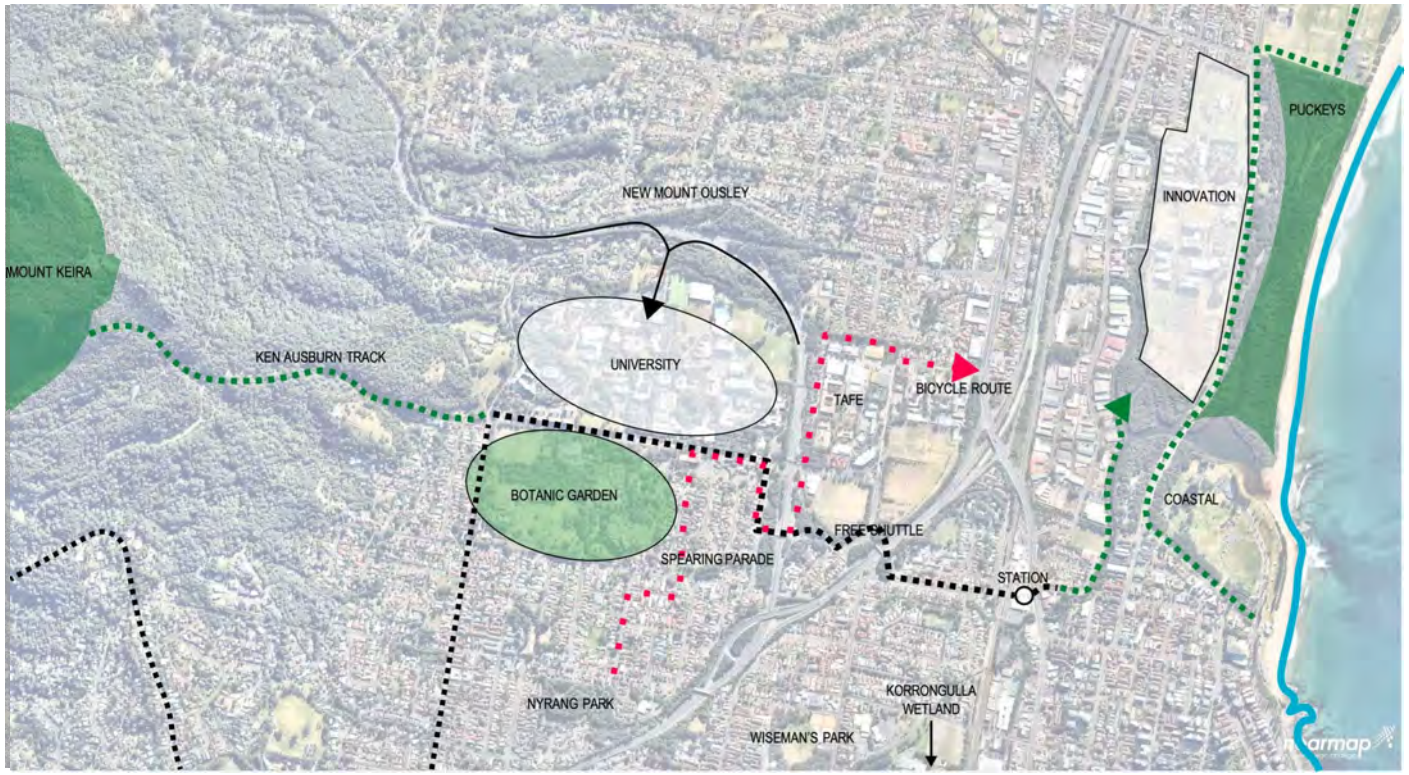
OVERVIEW





View of the Wollongong Botanic Garden and its city context from Mount Keira Lookout

OVERVIEW



Wollongong Botanic Garden its City Context

OVERVIEW



The Wollongong Botanic Garden 2018

GOALS AND OBJECTIVES

INTRODUCTION

A core focus in the early development of this Master Plan was the preparation by the Wollongong Botanic Garden management team of a suite of goals and related objectives for the future of the Garden.

The following five Goal areas were identified:

- Partners and Stakeholders
- Horticulture and Conservation
- Environmental Education and Interpretation
- Sustainable Future
- Our Culture.

Set out below is a written statement for each Goal area, accompanied by a suite of related Objectives that have informed and directed the Master Plan.

1. PARTNERS AND STAKEHOLDERS

Goal

We will effectively engage with our partners and stakeholders and deliver unique quality experiences and outcomes.

Objectives for Our Community

We will actively engage with the local community through:

- Understanding and addressing the demographic of the local community
- Educating the community in the philosophy of the Wollongong Botanic Garden
- Ensuring our services continue to align with visitor experience and expectations through a range of events and activities
- Identifying with the overall role of a contemporary Botanic Garden

Objectives for Our Friends

We will value the voluntary contribution of the Friends of the Wollongong Botanic Garden and will foster supportive relationships to ensure shared success by:

- promoting the role of the Wollongong Botanic Garden to the wider community.
- Providing dedicated space for activities, use of broader facilities and assisting in raising funds.

Objectives for Our Partners

We will collaborate with a diverse range of partners whose visions align with our own to foster appropriate business, fundraising support outcomes by:

- Ensuring commercial events are appropriate for the site and well supported
- Supporting like-minded organisations on environmental pursuits
- Supporting volunteer groups engaged in gardening, horticulture, natural resources management, and other relevant environmental pursuits.

Objectives for Our Local Associations

We will work collaboratively with other Botanic Gardens, Land Managers and educational institutions to complete our plant conservation work including:

- Southeast Bioregion Working Group
- UOW and TAFE Illawarra
- Primary and High Schools
- Research opportunities (through Bioregion and UOW as above)

Objectives for Our Communication

We will actively listen to our community and lead the conversation on the role of plants in our natural environment by:

- Investigating various forms of communication such as signage, our website, brochures/magazines and social media
- Linking into existing communication systems
- Developing the Wollongong Botanic Garden branding.

2. HORTICULTURE AND CONSERVATION

Goal

We will be the leading regional centre for Horticultural excellence, and make a major contribution to the protection of our local threatened flora.

Objectives for Our Living Plant Collections

We will ensure that the living plant collections are presented to the highest standard by maintaining our:

- Living collections plan
- Provide a database and plant survey commensurate with contemporary Botanic Garden
- Implement and maintain the database
- Integrate database with plant labels and interpretation
- Climate change response strategy
- Horticultural standards guidelines
- Provide operational efficiencies
- Displays relating to contemporary horticulture trends.
- Provide a site wide irrigation system to reduce water usage and provide operational efficiencies

Objectives for Threatened Flora

We will actively participate in the conservation of the world's threatened flor with a specific focus on NSW Southeast Corner and Sydney Basin Bioregions by ensuring that:

- New Botanic Garden living collections have a threatened species focus
- We continue to work with SEBWG on threatened species ex situ actions.

Objectives for Local Biodiversity Support

We will continue to protect and promote local biodiversity through our Botanic Garden nursery by offering:

- Greenplan rate payer subsidised plant sales
- Natural Area service support programs, eg Bushcare, Dunecare
- School biodiversity projects.
- Botanic Garden Living Collection
- Species suitable for urban greening.

Objectives for Biodiversity Outcomes

We will actively work to improve biodiversity outcomes and accessibility within the Botanic Garden annexes through:

- Bushcare volunteers and restoration work
- Protection of EECs
- Signage and infrastructure.

GOALS AND OBJECTIVES

3. ENVIRONMENTAL EDUCATION AND INTERPRETATION

Goal

We will provide unique and valuable learning experiences and knowledge and teach people about the natural world in which they live.

Objectives for School and Tertiary Education

We will offer unique curriculum-based environmental education programs by delivering:

- Primary school programs
- High school programs
- Tertiary programs.

Objectives for Community Awareness and Education

We will deliver unique environmental education opportunities for the community by delivering:

- School holiday programs
- Adult Education – environment, horticulture, heritage and culture
- Passive/Incidental education – dynamic, adaptive
- Engagement with education service providers to deliver specialised interpretation programs across the indigenous, heritage, environmental, cultural and passive recreation areas
- Market research to undertake service delivery gaps, ie 12-17 yepar old market.

Objectives for Natural Environment Interpretation

We will continue to utilise our spaces to interpret wider issues about the natural environment into a local setting within the Garden by:

- Providing interpretive signage
- Introducing Citizen Science programs eg plant watch, pollinator counts
- Providing a Global context for local issues.
- Utilising App/QR codes/Virtual tours as appropriate.
- Interpretive gardens and plantings such as tiny forest and Discovery Centre garden

Objectives for Education Partners

We will facilitate learning opportunities for the community through partnerships ie TAFE, community gardens etc through:

- Follow-on type programs, integration with partner organisations
- Community empowerment and capacity building.

Objectives for Unique Learning Opportunities

We will interpret through our Botanic Garden and annexes unique learning opportunities

- Interpret the unique environments and ecosystems
- Increase awareness of EECs and threatened species.

4. SUSTAINABLE FUTURE

Goal

We will ensure our impact on the natural and built environment safeguards the Botanic Garden for future generations

Objectives for Our Assets

We will manage our assets efficiently and follow sustainable building guidelines for the design, implementation and management of infrastructure at the Garden by:

- Identifying the current limitations and future requirements for the built assets of Wollongong Botanic Garden.

Objectives for Environmental Management

We will develop an Environmental Management Plan to ensure that the environmental impact of the site is reduced by implementing efficiencies in

- Water use
- Energy consumption
- Waste management
- Minimising the environmental impact of the operations
- Providing a safe and compliant environment for all users.

Objectives for Our Heritage

We will recognise, respect and celebrate our heritage including:

- Gleniffer Brae (Conservation Management Plan).
- Sorensen garden (CMP)
- 50 years of operation (2021)
- Living Collections.

5. OUR CULTURE

Goal

We will ensure our people are skilled, valued and engaged to deliver a Regional Botanic Garden of Excellence.

Objectives for Our Workforce

Our workforce will be adaptable and flexible in meeting the needs of the site and its customers by:

- Providing an appropriate HR Structure
- Providing staff succession planning including trainees and apprentices.

Objectives for Skills and Knowledge Development

We will deliver opportunities for enhancing skills and knowledge by:

- Providing skill development program/rotations/secondment
- Offering staff exchanges through the BGANZ network.

Objectives for a Safe Workplace

We will provide a safe workplace for all staff and volunteers by:

- Ensuring a safe and compliant environment for all users
- Complying with all WHSE.

Objectives for Our Team Culture

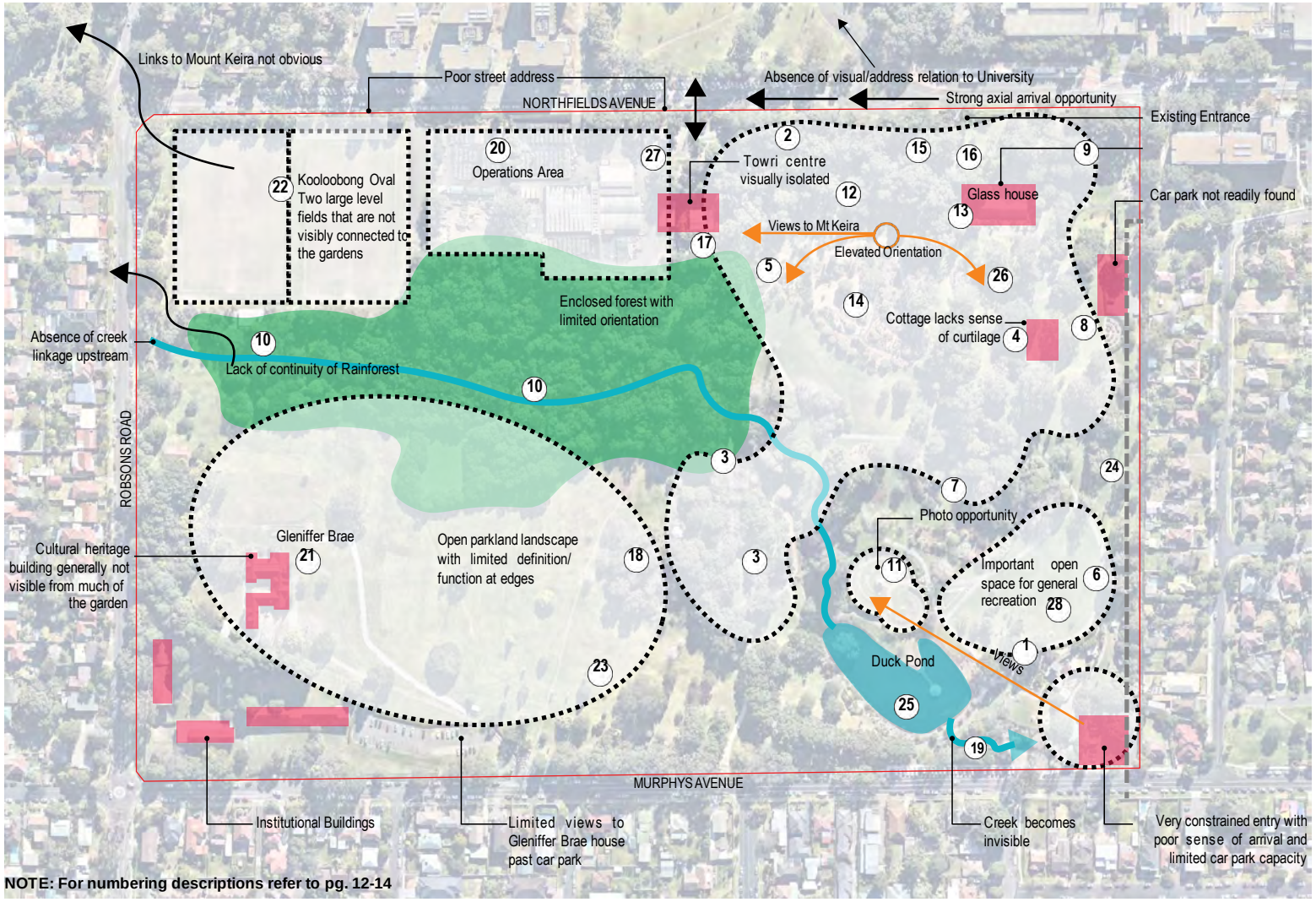
We will promote a positive culture in our team which will value and take pride in all that they do by:

- Providing an environment which supports the team-based culture.

We will have good governance and financial management practices to:

- Provide an environment that facilitates funding opportunities.





NOTE: For numbering descriptions refer to pg. 12-14

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SITE ANALYSIS

ISSUES, CONSTRAINTS AND OPPORTUNITIES

The following Issues, Constraints and Opportunities were identified in the Masterplan process, through site investigations and consultation with staff and key stakeholders. The map opposite summarises many of these observations.

FUNCTIONALITY

- Garden reads as several separate areas not a combined Botanic Garden
- Orientation and wayfinding when entering and walking around the Garden needs attention
- Garden entry offers a poor sense of arrival (lacks a signature photo opportunity)
- Lack of accessible toilet facilities across the gardens. Existing facilities require updating.
- Lack of site wide irrigation system and coordinated waterways.
- Location of amphitheatre needs to consider service restrictions and parking.

LINKAGES

- Visual and physical connections to Gleniffer Brae Manor House and gardens is limited
- Connectivity to Wollongong University and CBD could be improved
- Encourage University students to spend time in the gardens as well as when passing through.
- Improve connections with other Botanic Garden and plant societies that overlap with our core collections
- Opportunities to link to Wollongong City Council events
- Wet Sclerophyll and Eucalypt gardens link to indigenous planting at the University should be explored
- Softer landscape edge would activate and reinforce Garden boundaries
- Method of transport to site needs to be considered, as does link to Park & Ride at University connecting Botanic Garden to City.
- Links to Mt Keira could be improved, providing a landscape and ecological link from Rainforest Walk to Ken Ausburn track.

ACCESSIBILITY

- Opportunity for an accessible site entry from Northfields Avenue for older/ or people with mobility issues.
- Disability access at the gardens via the new Rainforest Path network
- All Abilities Playground highly accessible
- Opportunity to provide diverse spaces in the garden eg. sensory garden for visually impaired and other groups seeking peaceful/quiet areas.
- Opportunity to provide disability access to Gleniffer Brae and Manor House and Gardens
- New western pedestrian entry into the Rainforest off Robsons Road would increase visitor circulation opportunities.
- Opportunity to Provide manageable range of quality experiences that reinforce "botanicness"
- Encourage accessibility to Annexes (Mr. Keira, Puckey's Estate, Korrongulla Wetlands).

TRAFFIC AND PARKING

- Parking pressure due to proximity to University
- Carparking is not controlled to favour Wollongong Botanic Garden users
- Opportunity to improve parking access to key precincts within the Garden. It is important to separate cars and people
- Opportunity to review optimisiation of car parking currently at five locations (Gleniffer Brae, Murphys Avenue, Madoline Street, Depot staff and Greenplan).
- Gleniffer Brae carpark is currently unrestricted. Nighttime usage of Gleniffer Brae requires controlled access afterhours.
- Murphy's Ave carpark maximum has 2-hour restriction which limits community/recreational visitation.
- Depot Staff parking restricted/permit parking is under consideration
- Parking area between the depot/nursery and the sports field used for Greenplan Customers parking on Plant Sale Days, potential to overflow parking
- Coaches – lay by drop off could be explored; a controlled access gate is the preferred outcome with separate parking
- Limited on street parking for events; park and ride could be combined with temporary on-site overflow parking.

WAYFINDING, SIGNAGE AND INTERPRETATION

- Opportunity to grow visitation to Botanic Garden with clearer identity
- Opportunity to reinforce Wollongong Botanic Garden as a 'destination' in its own right, not an 'activation' site
- Explore ways to further improve interpretation of the Garden to a wider audience –eg mobile phone app. multicultural/lingual interpretation, community notice boards, contemporary styling, creative interpretation using different engagement methods, including social media.

PLANT CONSERVATION

- Opportunity to increase public awareness of Conservation work undertaken in the Botanic Garden.
- Opportunity to promote SE Bioregion Partnership in future plant displays with interpretation and continue advancement of regional flora focus within the Garden
- Opportunity to showcase threatened plants in all plant collections - walks designed to take in collections across the gardens site.
- Opportunity to consider Climate Change predictions in selection of showcased plant collections.
- Opportunity to promote local biodiversity through Nursery facility through outreach to increase public awareness.
- Opportunity to promote a variety of habitats and plant communities, through events and promotions.
- Opportunity to celebrate BGCI Accreditation (WBG one of the first seven in world) and promote WBG as an Urban Greening "engine room"
- Opportunity to promote the ecological value of using local natives through Greenplan, Bushcare and Urban Greening Initiatives.

ISSUES, CONSTRAINTS AND OPPORTUNITIES

LIVING COLLECTION

Generally, across the Garden there is a need and opportunity to:

- Maintain presentation of living plant collections
- Review taxonomic collections for Climate change predictions
- Continue to build connections with Botanic Gardens and plant societies that overlap with core collections
- Succession planting of trees from 1970s that are ageing
- Continue to develop the Site Plant Survey
- Assess native plant collections/ new collections within a regional needs' framework
- Avoid duplication of exemplar facilities (world class grevillea garden 10km to the north, Millenium Seedbank and proposed herbarium, Mt Annan Botanic Garden)
- Reinforce Collections that reflect mid twentieth century to present
- Review and interpret lower creek

FRAMEWORK AND COLLECTION BASED ISSUES

Framework - Middle Creek Corridor

10. Rainforest Collection

- Opportunity to provide continuity and orientation within Garden
- Continue to develop eastern half of rainforest
- Under current theming review Botanical themes in western half of rainforest
- Maintain Heritage listed view corridors from Gleniffer Brae to north and east which have been compromised by recent planting
- Maintain creek line and associated infrastructure.
- Continue to promote Rainforest as an attraction to increase visitor rates

3. Azalea Bank and Middle Creek Collection

- Promote as earliest part of Garden executed and remnant of Spooner zonal scheme
- Retain and maintain Kawasaki Bridge
- Maintain canopy and creek line
- Opportunity to collaborate with sister city Kawasaki to strengthen Asiatic Garden theme.

ARRIVAL, ORIENTATION AND OPERATIONS

20. Northfields Depot Landscape

- Screens to Northfields Avenue
- Presents as back of house
- Require refurbishment of aging depot buildings and facilities
- Promote the use of regional plants in the Greenplan garden to educate the public.
- Limit operational footprint to limit environmental impact.
- Ensure sustainable building guidelines and energy efficiency
- Consider expansion requirements for research and learning
- Promote public access to staff activity

17. Towri Bush Tucker Garden

- Consult with local First Nations communities to evolve collection

CORE COLLECTIONS AND GARDENS

North Fields Entry (pedestrian entry)

- Limited potential as a major entrance to the site
- Original entry access is undefined and orientation is not intuitive.
- Difficulty in re-establishing as major entry due to location of bus interchange and Northfields Ave roundabout.
- No intuitive orientation
- Original entry axis now undefined
- This entry less relevant to expanded Botanic Garden site,
- Mature canopy limits redevelopment of garden.
- Enhance visual amenity through planting review.

26. Turpentine Lawn

- Five Islands Fountain is valuable asset and to be maintained
- Five Islands Fountain was originally in large urban space
- Provide interpretation of fountain origins and designer

15. Temple Garden

- Popular for weddings and photography.
- Maintain sandstone pathways
- Acknowledge design by Jocelyn Brown through interpretation

13. Sir Joseph Banks Glasshouse

- Main entry axis adjacent to former service area
- Glasshouse requires more height, space and sun access
- Shadowed by significant Leopard Tree.
- Potential for rebuilding as a 'signature' building.

ISSUES, CONSTRAINTS AND OPPORTUNITIES

2. Australian Open Forest and Grassland
- Need to review Dry Sclerophyll collection due to incorrect soil type
- Opportunity to showcase different native collections more suited to soil type.

16. Temperate Garden
- Over shaded garden in need of review.

14. Succulent Collection
- Dramatic collection viewed against Mt Keira backdrop a drawcard.

5. Australian Arid Collection
- Need to enhance Dryland Garden with more hard landscaping
- Develop the existing dry creek bed
- Improve relationship: plants / geology / landscape
- Improve sculptural element potential undulation, use of aggregates, dry creek bed
- Potential for Seating under Coolabah tree
- Pathways work well – but require repair and orientation.

12. Sandstone Collection
- Need to enhance the Sandstone Garden by developing the existing dry creek bed.

4. Cratloe Cottage/Education Centre Sustainable Garden
- Opportunity to interpret early uses and fenced garden setting of Cratloe cottage.
- Respect heritage values of cottage by retaining original fabric and interpreting uses
- Provide curtilage and setting that respects heritage values
- Promote as a venue for Botanical Art Group/ Friends/ Volunteer education.
- Potential to showcase Sustainable building practices.
- Encourage use of original name 'Cratloe

8. Tiny Forest
- The semicircular collection is to be retained and maintained
- Continue linkage to education opportunities

9. Palm Collection
- Potential to improve layout to improve vehicle access.
- Original Service Area (now Palm Collection) relocated
- Enhance entry points and understory.
- Expand cycad collection.

PLEASURE GARDENS

24. Specimen Trees
- Display ornamental Horticulture: Lake / Rose Gardens / Zonal Scheme / Habitat Scheme/Local Native Street Trees require focus
- Potential to bring people into gardens through popular planting
- Opportunity to provide planting ideas to suit residential applications
- Improve wayfinding to improve orientation

19. Lower Creek
- Current entry is small and congested; does not provide an appropriate entry for Botanic Garden
- Limited presentation of collection
- Gates should identify Botanic Garden and link to entries across the site that define the extent of the Garden.
- Toilets, signs, bins and coffee cart detract from entry experience
- Conflicts with popular playground

1. All Abilities Playground
- Renew the playground
- Playground should relate to the Wollongong Botanic Garden Collection
- Opportunity for interactive play based on collections
- Draw users from playground into Garden collection
- Potential for kids to draw parents into gardens
- Potential for nature play inclusion
- Priority for food and coffee outlet close by.

25. Lake and surrounding planting
- Retain Canna collection which is seasonal and spectacular
- Address Lake edge – depth control
- Address lack of shade to the duck feedings
- Address Lake depth currently inadequate at around 600mm versus original design depth of over 5m
- Provide silt trap to prevent silting.
- Review Lower Creek
- Remove Suckering Populus sp. and Taxodium sp. in lower creek.
- Potential for collaboration with sister city Kawasaki through Japanese Kawasaki Bridge and Teahouse.

ISSUES, CONSTRAINTS AND OPPORTUNITIES

11. Rose Garden
- Retain exemplar rose garden representative of the local climate
- Potential to reintroduce perennials to roses, to supplement beds in winter
- Potential to reinforce design features around sundial
- Maintain recognition of The Friends of the Wollongong Botanic Garden
- Retain Tribute to stolen generation plaque in Rose Garden
- Promote relationship with NSW Rose Society which has social value.
- Maintain and enhance Rotunda (popular for weddings and photos).

28. Fig Lawn
- Currently the only practical cinema location in the Botanic Garden
- Provide car parking and access and facilities to other locations
- Proximity to residential areas is problematic with noise at night

7. Flowering Trees and Shrubs Garden
- Review taxonomic collections to promote plant family.

HERITAGE CULTURE ARTS

21. Gleniffer Brae / Sorensen Garden
- Respect heritage curtilage of the State listed Heritage Item- house and garden
- Interpret historical significance of Gleniffer Brae site
- Identify and promote the Sorensen Garden collection as a cultural garden.
- Reinstate Sorensen Garden as expressed in Conservation Management Plan
- Integrate Gleniffer Brae and the rest of the Botanic Garden
- Reinstate views to Gleniffer Brae
- School buildings present to Murphys Ave and Robsons Road
- Recover lost views to and from Gleniffer Brae
- Interpret heritage values of site
- Potential for 'Multi Use Cultural Space' on site
- Potential to utilise different site levels
- Limited functionality of amphitheatre, appropriate facilities required to allow for use
- Remove Amphitheatre planting as limits use of the amphitheatre
- Planting intrudes upon Sorensen landscape defined by creek vegetation.
- Review of the Amphitheatre drainage
- Provide power/ services
- Space can accommodate 2000 people
- Utilise open space between Woodlands Garden and existing amphitheatre for larger events
- Potential to link into Northfields bus drop off.

23. Conifer Lawn
- Conifer Lawn forms a part of eastern slopes of Gleniffer Brae
- Conifer area could accommodate additional uses
- Planting beds have been removed over time.
- Reconsider collection in this area to better link to Gleniffer Brae.
- Potential to enhance setting of Gleniffer Brae
- Potential for Arboretum style planting to illustrate a diversity of trees.

18. Woodland Garden
- Woodland garden features plants predominately from northern hemisphere.
- Improve communication about role of plants in the collections with signage
- Reinstate suitable canopy species to protect understorey plants where trees have been removed due to poor health.
- issue.
- Potential to reinstate canopy to protect sensitive plants to sunlight.
- Turpentine's use of water, limits collection that can be grown.
- Problem with water supply and pressure are currently limiting success of collection
- Require thematic review of the collection.

RECREATION EVENTS AND SPORTS

22. Kooloobong Oval
- Isolated large two - level area.
- Oval identifies as part of the Botanic Garden through planting
- Within State Heritage Listing of Gleniffer Brae
- Sporting fields are a permissible use and currently leased to Wollongong University for soccer
- Provide links to Mt Keira
- Primary use for sport
- Carpark used by Greenplan Nursery parking and Kooloobong Oval users
- Increased university accommodation and movement through gardens
- Potential to pursue synergies with the University at academic and research level, as well as sport

ISSUES, CONSTRAINTS AND OPPORTUNITIES

ANNEXES

- Promote Botanic Garden walking trail linking Mt Keira - Botanic Garden and potentially Puckey's Estate via bus
- Link Botanic Garden and annexes to Aboriginal plant uses and culture

Korrongulla Wetlands:

- Lack of formalised street presence
- Focus on wetland and aquatic species and range of ecological systems with high conservation value
- Funded by opportunistic grant funding
- Require specific Plan of Management

Puckeys Estate:

- Puckeys Estate has greater potential for public visitation
- Has major maintenance program by Wollongong Botanic Garden
- First biobank in Wollongong provides perpetual funding
- Potential for greater interpretation of collection
- Focus on contractor restoration with bush care assistance
- Require specific Plan of Management

Mt. Keira

- Plan of Management guides actions
- Vision and planning principles adopted by Council
- Iconic city attraction and photo opportunity

COMMUNITY OPPORTUNITIES

- Engage with community through range of events and activities.
- Garden provides critical open greenspace for increased population in the area.
- Support the Friends of the Gardens to promote garden in community.
- Promote Environmental educational opportunities through interpretation programs.
- Promote National Tree Day to schools
- Expand Greenplan on the road to connect and educate.
- Engage lower socio-economic areas with Greenplan via plant package for new homes
- Develop the connections between the history and heritage of the site and education e.g. Victorian Gardens by Hoskins, Aboriginal heritage and how that underpins what we do eg. Towri Garden Collection
- Consider Botanic Gardens in cities? What it means for the future?
- Engage University students in the Garden rather than just shortcut. Cater for increased connection with International Students from University of Wollongong with cultural and plant education
- Foster partnerships with TAFE and community gardens
- Promote Sculptures bi-annual acquisition competition event. Improved sculptural presence – may occur naturally as hosting the bi-annual Sculpture in the Garden Exhibition in the gardens
- Promote Health & Wellbeing as a benefit of landscape in long term
- Use sustainable environmental design principles for such things as material selection and construction techniques
- Promote the Botanic Garden to be seen as an educator
- Promote the Glasshouse as an educational tool
- Promote Botanic Garden's Day – duty to educate – how we deliver and link our workshops
- Expand the role as a hub or advocate of the sustainable educators network
- Extend school holiday program, night education, bushwalks, going out to schools for garden education, linkage between the Scouts and the community;
- Promote Botanic Garden as a site for bird spotting
- Interpretation of early farm use at Cratloe Cottage
- Partner with successful community gardens throughout the city, teach people the basics, then send them to a community garden near their home – linking education with social outcomes
- Recognise and interpret historical layers in the Master Plan, and within the garden – signage
- Recognise importance of work of Deane Miller – Woodland / Flowering Trees and Shrubs / Dryland / Wet and Dry Sclerophyll Gardens etc as well as Peter Spooner.



Dryland Garden



Succulent Collection looking toward Illawarra escarpment



Palm Collection near Madoline entry

ISSUES, CONSTRAINTS AND OPPORTUNITIES



Aerial photograph of the Duck Pond

ISSUES, CONSTRAINTS AND OPPORTUNITIES


Greenplan Nursery looking toward Northfields Avenue


Succulent Collection

COMMERCIAL OPPORTUNITIES

- Need to balance commercialism with environmentalism focus
- Potential to provide Twilight walks and Nocturnal walks
- Gardens are a popular wedding venue
- Cafe needed for site – could have a cultural focus on bush tucker food, part of menu and a flower of the week on tables
- Provide takeaway kiosk at entrance
- Consider inviting garden clubs and horticultural societies to hold their meetings and workshops in the Garden
- Promote unique programs at the Botanic Garden focusing on our point of difference and not duplicating existing programs within and out of Council
- Promote paid programs here that no one else does internally or externally with an overarching marketing plan
- Promote community garden tour guide and kitchen garden workshops for nearby student communities, garden clubs, Probus and the public
- Link nursery, education and technical team – conservation seed bank program getting schools to adopt a rare and endangered species.
- Partner with the Discovery Space at Wollongong University which also uses Botanic Garden for lunching for schools
- New built infrastructure to incorporate staff input of designed open spaces for inclement weather education, gathering point spaces, indoor/outdoor areas for activities, rest points, sustainability education and garden spaces
- Promote coach tours – visit Illawarra, Mt Keira, Nan Tien Temple, Kiama Blow Hole. Low end, short, targeted tours
- Link into Destination Wollongong activity-based events
- Link into Cruise market. A trialed stopover at Wollongong was successful.
- Link into national curriculum-based programs of science, history and sustainability at the core of curriculum ideas
- Refine cafe location through feasibility study
- Well suited to benefit from university users
- Garden centre cafes provide a different offering to Uni/Campus setting, fast food)
- Promote short visit options – 10 min walk.



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KEY VIEWS AND VISTAS

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ISSUES, CONSTRAINTS AND OPPORTUNITIES

VIEWS AND VISTAS

One of the most appealing aspects of the Garden is its landscape setting, with striking views to Mount Keira to the west and to the coast and City to the east.

The successful growth of much of the planting in the Garden over many years has progressively reduced views to the Garden's wider landscape context. While the Garden now offers the appeal of both open views and enclosed spaces, it will be important for the enduring landscape and botanical values of the Garden to ensure that the best views into, across and out of the Garden are conserved.

The map opposite and the adjoining photographs record the most significant existing views in the Garden, as documented in the Gleniffer Brae CMP (Conservation Management Plan). The documentation of these views needs to be used to ensure that new plantings and maintenance of existing planting actively frames and enhances the views, so that they are not lost over time.

There is also an opportunity to create on the ground 'reminders' of these views by placing seats in the best view locations with adjoining interpretation of the setting and view.


VIEWPOINT 1- Significant View (CMP)


VIEWPOINT 2- Significant View (CMP)


VIEWPOINT 3- Significant View (CMP)


VIEWPOINT 4- Significant View (CMP)


VIEWPOINT 5- Significant View (CMP)


VIEWPOINT 6- Significant View (CMP)


VIEWPOINT 7- Significant View (CMP)


VIEWPOINT 8- Significant View (CMP)


VIEWPOINT 9- Significant View


VIEWPOINT 10- Significant View


VIEWPOINT 11- Significant View


VIEWPOINT 12- Significant View


VIEWPOINT 13- Significant View

PRINCIPLES AND STRATEGY

INTRODUCTION

This section draws on the foregoing analysis of the issues, opportunities and constraints to outline the Principles that meet the Goals and Objectives set out in the Overview chapter at the beginning of this document.

The Principles are followed by a Strategic Framework that underpins the design proposals and concepts illustrated in the subsequent Master Plan.







PLANNING, DESIGN AND MANAGEMENT PRINCIPLES

Context. (Achieves Goal 1)
- Connecting the Gardens to their broader landscape
- Nurturing synergies through partnership with the University
- Embracing the local community.

Garden's Focus. (Achieves Goal 2 & 3)
- Collection and display of plants from around the world framed in an Australian landscape setting
- Commitment to plant conservation of past and present threatened species in partnership with other Botanic Gardens
- Focus on education ranging from community awareness through schools programs to tertiary research
- Local, regional and national educational, business and community partnerships

Visitor Experience. (Achieves Goal 1 & 3)
- Making the arrival experience inspiring
- Elevating the Garden's botanical values for all visitors
- Seamlessly blending the recreational and botanical values
- Ensuring opportunities for activity and quiet reflection
- Enhancing informal education and awareness
- Combining ephemeral with permanent Collections

Access and Circulation. (Achieves Goal 1)
- Maximising the effectiveness of the arrival experience
- Establishing intuitive wayfinding and ease of orientation
- Offering universal access
- Maintaining a circulation hierarchy

Environment and Heritage. (Achieves Goal 3 & 4)
- Maximising ecological connectivity
- Integrating the story of the site through its landscape

Character and Identity. (Achieves Goal 1,2 & 3)
- Maintaining regional landscape framework
- Integrating the cultural and scientific
- Promoting the role of the creek through the Garden

Built Form and Infrastructure. (Achieves Goal 5)
- Optimising and consolidating built form footprint
- Co-locating complimentary activities
- Maximising indoor/outdoor relationships

Sustainability. (Achieves Goal 4 & 2)
- Extending biodiversity
- Managing and expressing water in the landscape
- Mitigating heat island effects through vegetation
- Managing waste sustainability

Management and Maintenance. (Achieves Goal 5)
- Maintaining user friendly management models
- Tailoring facilities to resources and expertise.

Signage and Interpretation (Achieves Goal 1 & 3)
- Understand the importance of the site.
- Interpret in the most appropriate way.
- Best utilise the broad range of communication media.

Plant Diversity and Plant Conservation (Achieves Goal 2)
- Provide database and plant survey commensurate with contemporary Botanic Garden
- Develop climate change response strategy
- Enforce horticultural standards guidelines
- Implement and maintain the database
- Promote displays relating to contemporary horticulture trends
- Provide a side wide irrigation system to reduce water usage and provide operational efficiencies
- Integrate database with plant labels and interpretation

PRINCIPLES AND STRATEGY

STRATEGIC RATIONALE AND CORE ELEMENTS
The application of these Principles in the Master Plan reflects five Goals for the future of the Garden ensuring that the Garden will be:

Locally Integrated – embedded in the landscape and culture of the city, ranging from geographic connections between bush and sea, to engaged synergies with the University and the wider community and business (see map opposite).

Regionally Significant - playing a central role in conserving and displaying threatened species climatically suited to the Garden, while performing an educational role for the region covering primary school to tertiary academic research.

Nationally Connected – maintaining partnerships with other Botanic Gardens across the nation in sharing collections, research findings and species conservation and partnerships, including with OEH, Bushcare and Landcare Groups and Land Custodians and the BGANZ which represents 2,500 Botanic Gardens.

Globally Referenced – incorporating iconic species from around the world that provide visitors with an international perspective on the critical role that plants play in the health of our environment and our day to day wellbeing. (This includes being globally referenced online to conservation work and BGCI accreditation. Botanic Garden supports Global Strategy for Plant Conservation, with Target 8 having "75% of threatened plant species in existing collections, preferably in country of origin and at least 20% available for recovery and restoration programs."

CORE ELEMENTS
The core conceptual elements that underpin the design of the Master Plan include:

Structure and Precincts – a landscape framework that forms the setting for a series of connected visitor, management and character precincts

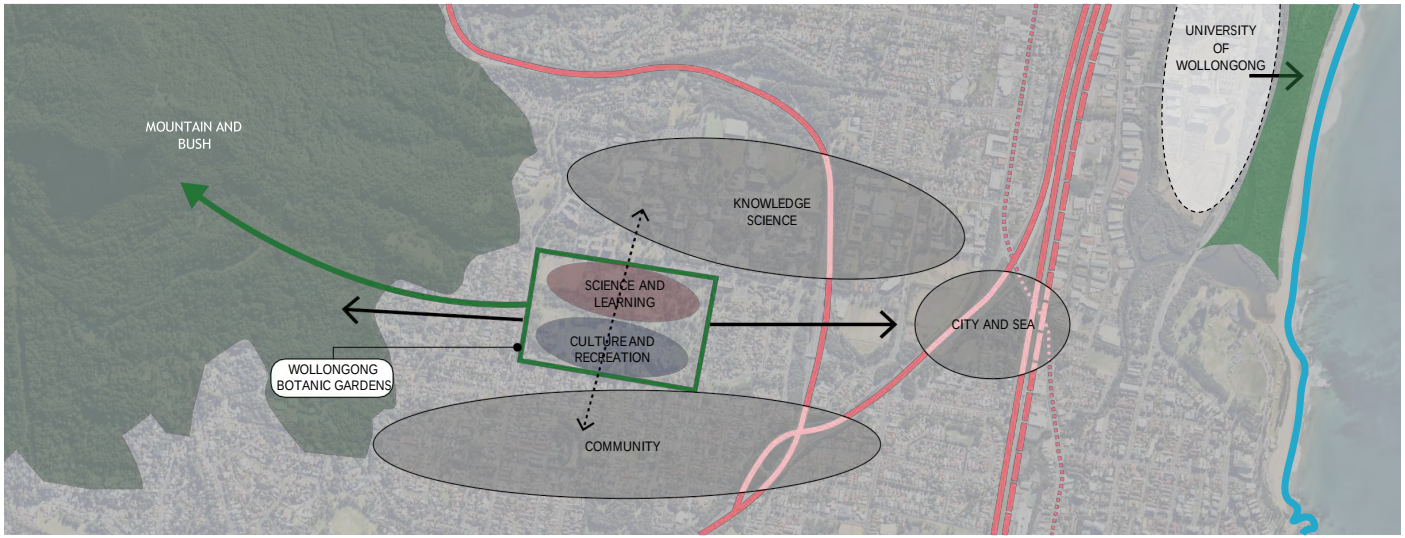
Access and Circulation – a legible and logical arrival sequence and an intuitive circulation flow and hierarchy

Collections and Gardens – a clear and coherent thematic strategy for the nature, purpose and layout of the gardens across the entire site. In essence, defining the Gardens' inherent "botanic-ness"

Visitor Overlays – a layering of uses and functions that complement the core purpose of the Garden such as wayfinding, public art, interpretation etc

Design Language – a consistent approach to all design elements across the Garden that are unique to this site, and which reflect the Garden's mid/late 20th Century origins

Education – with the immediately adjacent University of Wollongong, opportunities for collaboration in academics such as research and conservation. The Botanic Garden is also an optimal venue for introducing Australian culture to international students.



The diagram above illustrates the important relationships that should be fostered between the Garden, its Annexes and its geographical context. As importantly, the relationship to the University and to the local community offers opportunities for the Garden to embrace and nurture the values of science, learning, culture and recreation.


A Operations and Administration
Administration Building; Propagation Facilities; Plant Nursery; Shade House; Works Depot; Green Plan; Bush Care; Towrie Centre
B Core Collections and Gardens
Australian Habitat Gardens including Rainforest, Sclerophyll, Dryland, Sandstone Habitat displays; Towrie Bush Tucker Garden; Discovery Garden; Palm and Cycad Collections, and Succulent Mound.
F Middle Creek Framework
Creekline Corridor through Garden
E Recreation and Sport
Sports Fields, Amenities, Car park.
D Heritage, Culture and Arts
Gleniffer Brae Historic House; Sorensen Garden; Amphitheatre; and Conifer Arboretum.
C Pleasure Garden
All Ability Playground; Picnic Facilities; Pond with Rotunda; Rose Garden; Flowering trees and shrub collection; Woodland Garden; Asiatic Collection and Kawasaki Bridge
University of Wollongong
Northfields Avenue
Madoline Street
Robsons Road
Paulsgrove Street
Murphys Avenue
Grey Street
Rosedale Ave
Braeside Ave
John Street
wollongong
city of innovation
WOLLONGONG BOTANIC GARDEN
DRAFT MASTER PLAN - PRECINCTS AND COLLECTIONS
MURPHYS AVENUE KEIRAVILLE

PRINCIPLES AND STRATEGY

DRAFT FOR PUBLIC EXHIBITION

STRATEGIC FRAMEWORK

The principal organising element that establishes the structural 'architecture' of the Garden is the Middle Creek corridor which runs diagonally across the site generally in a northwest/southeast alignment.

This natural feature fulfils a number of roles in the design and layout of the Gardens including:

- A landscape setting and backdrop comprised of locally native trees that contains individual gardens and collections (eg rainforest, woodland, riparian)
- A pedestrian spine that connects and frames the five distinct precincts within the Garden (see below)
- An ecological corridor that links the Garden to its wider landscape context and outlying 'Annexes' (ie Mount Keira and Puckeys Estate).

Middle Creek and its associated riparian Rainforest plantings therefore form the central organising spine for the Garden's various Precincts.

GARDEN PRECINCTS

The map opposite illustrates the six distinctive Garden Precincts that are proposed to be used in all aspects of the Garden's planning design and management to retain and enhance their varying functions and characteristics, as described below.

A - Administration and Operations

This precinct is an active interface with the multiple activities associated with the day to day operations of the Garden, administration, depot and nursery.

B - Core Collections and Gardens

The precinct offers direct address to the University, reflecting the importance of the synergies and partnerships between the two organisations.

This precinct lies immediately adjoining the Administraton and Operations precinct and reflects its role as the core botanic focus of the Garden. Offering an immersive experience for the visitor that is wholly centred on thematic collections replicating a gallery-style experience, which offers the visitor an intuitive self-guided tour through a series of connected gardens (see further details below).

C - Pleasure Gardens

This precinct, located in the southeast quarter of the Garden reflects its already popular recreational focus for local visitors, offering a large all-abilities playground, a duck pond and gazebo, a rose garden (popular for weddings) and a large, sloped lawn that hosts an annual outdoor cinema season every summer.

The choice of the name Pleasure Gardens for this precinct draws an important distinction from a parkland; while this precinct will have a strong recreational focus it will still retain a Botanic Garden orientation, being framed by a landscape of plant collections with a particular emphasis on seasonal colour and interest

D - Heritage, Culture and Arts

This precinct focuses on the heritage buildings and landscape curtilage of Gleniffer Brae. The extensive estate style landscape (with its remnant tree plantings by Paul Sorensen) offers an ideal opportunity to interpret the history and evolution of this landscape and buildings, while maintaining the continuity of its uses (music, arts and functions).

E - Recreation and Sports

The large two-level nature of this precinct sporting events use. While the principal use of this precinct at present is focused on field sports and is used by the University and the local community, the space remains part of the Garden landholdings.

The perimeter planting reflective of the rest of the garden.

F - Middle Creek Framework

The character of Middle Creek changes as it descends through the Garden, starting as a Rainforest in its upper sections, giving way to ornamental gardens on its banks before opening into the Lake and from there to the southeast corner of the Garden.

COLLECTIONS AND GARDENS

All precincts will contain gardens with a focus on botanic displays and settings that relate to the intended user experience for that precinct. In summary these collections - numbered on the map opposite - will relate to their respective Precincts as follows:

Precinct A – this is the Administration and Operations precinct and will include large iconic trees within demonstration gardens as an introduction.

Precinct B – this precinct forms the core of the garden collections and is the immersive botanic gardens experience –based broadly on the original Spooner layout, including collections 2,4,5,8,9 and 12-17.

Precinct C – this focuses on collections with popular appeal particularly with seasonal colour and interest. This Precinct which houses collections 6,7 and 11 may have more of a garden approach that would relate to visitors own gardens.

Precinct D – this cultural precinct provides opportunities to revisit and reinforce the original Sorensen plantings to assist in giving more shape to the landscape which is presently quite loose in form. The opportunity to include the woodlands and rainforest gardens to frame the edges of the open lawns can also be explored

Precinct E – this precinct is focused on a large, two-level oval area suitable for sports. The landscape of this space should continue with a bushland focused framework of planting within which individual botanical specimens are highlighted.

Precinct F – the principal collection focus in this precinct centres on the rainforest collection with Asian planting in Middle Creek and deciduous ornamental collection woodland to lower creek.

DESIGN LANGUAGE

One of the most distinguishing features of the Gardens is its mid/late 20th Century origins (including Gleniffer Brae) and this suggests an opportunity to adopt a design language that reflects aspects of the late Modernist era, including broad organic forms and landscape layouts (see the Precedents section later in this document).


University Of Wollongong (UOW)
Northfields Avenue
UOW Bus Interchange
Greenplan Sales
Nursery
Administration
Palm Collection
Australian Arid Collection
Kooloobong Oval
Upgrade Operational Area / Nursery + Solar
Town Centre
Succulent Mound
Madoline Street
Rainforest Gardens and Trail including Universal Access Canopy Walk.
Cradoe Cottage
Tiny Forest
Demolish unsafe structure
Gleniffer Brae Manor House and Sorensen Garden
Azalea Collection & Middle Creek
Flowering Trees and Shrubs
Vegetable Butler
Woodland
Rose Garden
Event Space
Conifer Lawn
Kawasaki Bridge
Additional BBQ Facilities
All Abilities Playground
Duck Pond
Amenities
Coffee Cart
Murphys Avenue
Murphys Avenue
Grey Street
Rosedale Ave
Braeside Ave
John Street
Inset Orientation Node
Caring for Country: We acknowledge our past and recognise the continuing connection the Traditional Custodians of Dharawal Country have with these lands and waters. We celebrate, value and respect the diverse cultural histories, heritage and traditions of Aboriginal and Torres Strait Islander peoples living in our community. We are committed to working together, side by side, to create an inclusive and connected community where Aboriginal and Torres Strait Islander peoples cultures are celebrated, and they feel a sense of pride and belonging, to collaborate on education and conservation initiatives.
LEGEND
Primary existing and proposed Circulation Paths providing Equal Access
Secondary Paths
Minor Paths
Orientation Nodes at major footpath intersections, to improve legibility of the gardens and the path network - see inset this sheet
Garden Entries - ensure safe, legible and accessible pedestrian access and egress
PROJECTS 2025 - 2035
1 Reconfigure Bus Stop to improve access and movement.Upgraded Arrival and Orientation Zone. Provide a universal access pathway from the Wollongong Free Shuttle Bus Stop. Provide improved pedestrian links to the University of Wollongong.
2 Redesign and Reinvent Glasshouse and Temperate Garden Zone
3 Interpret the Robert Woodward Mercury Fountain
4 Investigate feasibility of a commercial cafe operation/activation
5 Improve permeability and access with adjoining areas
6 Proposed Upgraded Entry Zone including New Toilets including Lift and Change Facilities, additional BBQ Facilities and Timed Parking
7 Manage aeration and water quality of Duck Pond
8 Enhance Asian collection and interpretation in the Middle Creek area
9 Upgrade Amphitheatre event space with lighting and temporary event infrastructure as needed
10 Culture and Heritage Precinct including Gleniffer Brae Manor House, key views and Sorensen Garden. Precinct managed as per the Gleniffer Brae Conservation Management Plan
11 Collaborate with WollCon about use of the precinct for education, events and activation
12 Trial local rainforest species for street trees adjacent to entrance
13 Contemporise amenities and infrastructure at Kooloobong Oval to support use
0 20 40 60 100
wollongong city of innovation
WOLLONGONG BOTANIC GARDEN 2025 - 2035
DRAFT MASTER PLAN - LANDSCAPE PLAN
MURPHYS AVENUE KEIRAVILLE
NORTH


University Of Wollongong (UOW)
Northfields Avenue
Madoline Street
Rolleston Road
Murphys Avenue
Murphys Avenue
Grey Street
Roseside Ave
Braeside Ave
John Street
WollCon
Kawasaki Bridge
Duck Pond
LEGEND
Primary existing and proposed Circulation Paths providing Equal Access
Secondary Paths
Minor Paths
Orientation Nodes at major footpath intersections, to improve legibility of the gardens and the path network - see inset this sheet
Garden Entries
COLLECTIONS KEY
1. All Abilities Playground
2. Australia Open Forest and Grassland
3. Azalea Collection and Middle Creek
4. Education Centre and Sustainable Garden
5. Australian Arid Collection
6. Edible Herb Garden (Playground)
7. Flowering Trees and Shrubs
8. Tiny Forest
9. Palm Collection
10. Rainforest Collection
11. Rose Garden
12. Sandstone Collection
13. Sir Joseph Banks Glasshouse
14. Succulent Collection
15. Temple Garden
16. Temperate Garden
17. Towri Bush Tucker Garden
18. Woodland Garden
19. Lower Creek
20. Northfields Depot Landscape
21. Gleniffer Brae and Heritage Precinct
22. Kooloobong Oval
23. Conifer Lawn
24. Lawn Specimen Trees
25. Lake and surrounding planting
26. Turpentine Lawn
27. Rare and Endangered Collection
28. Fig Lawn
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WOLLONGONG BOTANIC GARDEN 2025 - 2035
DRAFT MASTER PLAN - LIVING COLLECTIONS
MURPHYS AVENUE KEIRAVILLE

p

CONCEPT MASTERPLAN - LIVING COLLECTIONS

PRINCIPLES AND STRATEGY

Collection	Collection Type	Precinct	Current Condition	Future Management Actions
. All Abilities Playground	N/A	C. Pleasure Gardens	Mixed plantings to soften hard landscaping.	Retain landscape to support playground. High use part of garden, Planting theme to ensure interaction and inspiration of children. Playground towards end of current life span so renewal likely in next 5-10 years.
2. Australia Open Forest and Grasslands	Habitat collections	B. Core Collections and Gardens	Dry and Wet Sclerophyll forest plants from the East coast of Australia. Mainly a Eucalypt Canopy and understory of Banksia, Doryanthes, grasses and ferns.	Retain Collection. Refine species in collection to enhance diversity of Wet and Dry sclerophyll communities. Develop collections to enhance this diverse display area.
3. Azalea Bank and Middle Creek	Taxanomic / Historical significance	F. Rainforest and Creekline Corridor	A mainly Asian themed area with traditional planting including Azalea, Rhododendron, Camellia, Maples, Dawn Redwoods, Swamp Cypress, Iris, Lillies and Cherry Trees.	Retain Collection. Retain the original plantings within the Botanic Garden, some of the Azalea collections requires replacing with fresh stock. Develop exemplar Japanese garden, building on relationships with Kawasaki.
4. Education Centre and Sustainable Garden	Educational	B. Core Collections and Gardens	A sustainable home grown produce garden including food plants, herbs and ornamental plantings. Examples of recycled / upcycled elements incorporated into landscape, visually this garden conflicts with the surrounding landscape, and lacks interpretive signage explaining its purpose.	Review the collection. Continue current plantings until use for the building is decided. Future building use to determine future collections, ie domestic produce garden that compliments the history of Cratloe cottage and a cottage style landscape, as applicable.
5. Australian Arid Collection	Taxanomic /Habitat	B. Core Collections and Gardens	A focus on inland arid plant species from areas with extremely low rainfall to showcase adaptation made by plants in this environment and highlight the differing evolution from the exotic neighbours in the Succulent Collection.	Retain Collection. Future plantings are to ensure the collection remains a distinct contrast to sandstone Garden. Install interpretive signage that compares low rainfall plant adaptations from different countries.
6. Edible Herb Garden (Playground)		C. Pleasure Gardens	Herb collection for use by visitors	Review the collection - Not situated with enough sun to maintain a high level of display and production, review location and requirement.
7. Flowering Trees and Shrubs	Taxanomic	C. Pleasure Gardens	Mainly exotic species showcasing flowering trees and shrubs from 13 plant families.	Retain Collection. Maintain under current theming, minimal proposed changes to collections, with the exception of species enhancements, and replacement of failing sections of the collection to enhance displays. Potential to add plant families not yet represented.

Collection	Collection Type	Precinct	Current Condition	Future Management Actions
8. Tiny Forest	Habitat collections	B. Core Collections and Gardens	Formerly the Herb Garden, this area was redeveloped to showcase the Tiny Forest concept as part of the Urban Green Strategy. This collection represents the plant species found locally in the Coastal Plains and Foothills environments surrounding the Botanic Garden.	Retain Collection. Continue current use to showcase the Tiny Forest concept and use as an educational tool across its lifespan as the forest grows and develops.
9. Palm Collection	Taxanomic	B. Core Collections and Gardens	A collection of rare, endangered and uncommon palm species.	Retain Collection. Continue to develop this collection and species diversity with a focus on the understory level to enhance display. Continue to develop interpretive signage that highlights the environmental impacts causing these plants to become endangered in habitat.
10. Rainforest Collection	Habitat collections	F. Rainforest and Creekline Corridor	Rainforest collections with a native focus on the Illawarra and East Coast, but also displaying exotic collections from Lord Howe Island, Norfolk Island and New Caledonia.	Retain Collection. Continue to develop Illawarra, regional, east coast Australian Rainforest. Develop western end of the collection to showcase local Illawarra specimen trees to support Urban Greening. Continue to develop accessible pathway to provide a genuine rainforest experience for all.
11. Rose Garden	Taxanomic	C. Pleasure Gardens	A collection displaying many rose cultivars including Hybrid Tea, Floribunda, Old Fashioned, Weeping and Stardards. A diverse perennial border surrounds the rose garden.	Retain Collection. Maintain and develop under current theming. Bed layout redesign and opening up walls under review. Perennial border to continue as showpiece display within the garden.
12. Sandstone Garden	Habitat collections	B. Core Collections and Gardens	A collection of plants from the shallow nutrient poor sandstone areas found in the Illawarra and Shoalhaven including grass trees, native conifers and Banksia.	Retain Collection. Maintain and develop under current theming. Develop interpretive signage that highlights Australian Plant species adaptations.
13. Sir Joseph Banks Glasshouse	Habitat collections	B. Core Collections and Gardens	Representing plants from around the world from the Dry Tropics and Wet Tropics, that need to grow under a controlled environment in Wollongong's climate.	Review collection and infrastructure in line with asset renewal.
14. Succulent Collection	Taxanomic / Habitat	B. Core Collections and Gardens	A collection of species found growing in the arid regions of the world, with a focus on the Americas and Africa. Highlights adaptations made to survive in arid climates that differ from Australian Native species.	Retain Collection. Maintain and develop under current theming with a view to diversify the species of succulents within the collection. Interpretive signage to highlight plant adaptation comparisons between Australian Dryland and succulent collections.
15. Temple Garden	Historic Significance	B. Core Collections and Gardens	Ornamental display.	Retain basic structure of the garden surrounding the temple.

Collection	Collection Type	Precinct	Current Condition	Future Management Actions
16. Temperate Garden	Ornamental	B. Core Collections and Gardens	Protected microclimate growing more delicate species from ferns to ornamentals and fruit trees.	Review Collection. Failing infrastructure requires this collection and infrastructure to be reviewed. Open up temperate area to improve access and create a visual line of sight of glasshouse/ collections whilst maintaining protected environment and a quiet and restorative space to sit and reflect.
17. Towri Bush Tucker Garden	Educational	B. Core Collections and Gardens	An education collection showcasing native Australian plants used in Aboriginal culture for food, medicine and shelter with a focus on Illawarra species.	Maintain and develop under current theming.
18.Woodland Garden	Habitat collections	C. Pleasure Gardens	A cool climate plant display of trees, shrubs, bulbs and perennials of the Northern Hemisphere.	Retain and review collection. Review and diversify plant collections and re-establish deciduous canopy in areas it has declined or been lost.
19.Lower Creek	Habitat collections	F. Rainforest and Creekline Corridor	A poorly managed part of the garden with two conflicting collections that currently create a confused landscape. Northern hemisphere deciduous trees conflict with a partly planted local rainforest corridor planted circa 2000.	Retain and review collection, remove failing tree specimens and re-establish canopy for a healthy riparian corridor. Changes to adjacent infrastructure will occur in 2-5 year timeframe which may impact this area.
20. Northfield Depot Land-scape	Conservation / Biodiversity Collections	A. Operational Area	Infrastructure under review/renewal program.	Existing collections showcase species produced for Bushcare and Greenplan in a highly landscaped form.
21. Gleniffer Brae and Herit-age Precinct	Heritage collection	D. Heritage Culture and Arts	Sorensen designed landscape and planting.	Retain Collection. Garden to be retained and managed in accordance with Gleniffer Brae Conservation Management plan and Sorensen design.
22. Kooloobong Oval		E. Recreation, Events and Sports	Mixed tree perimeter with no real theme.	Maintain existing boundary tree plantings to retain perimeter character.
23. Conifer Lawn	Taxanomic	D. Heritage Culture and Arts	Mixed conifer collection	Refine and Retain Collection Refine collection to focus on Araucariaceae planted as lawn specimens - Araucaria, Agathis, and Wollemia genus.

Collection	Collection Type	Precinct	Current Condition	Future Management Actions
24. Lawn Specimen Trees		Garden Wide	Mixed	Expand pallette of specimen trees across gardens. Eastern Boundary of garden from Discovery Centre to All Abilities playground requires an enhancement to the existing vegetation buffer.
25. Lake and surrounding planting		C. Pleasure Gardens	Canna border, connecting to Middle Creek Planting, with mixed natives used in design of S/SW bank.	Retain North side of pond plantings with a focus on colour and water reflection including deciduous flowering trees. Enhance plantings on S/SW bank to improve the view across the pond.
26. Turpentine Lawn	Specimens / Taxa-nomic collections	B. Core Collections and Gardens	A number of existing Eucalypt specimens, Cycad, Myrtaceae, Banksia and Proteaceae Collections	Retain Collections. Continue to develop Proteaceae and Cycad as appropriate.
27. Rare and Endangered Collection	Taxanomic	B. Core Collections and Gardens	A collection of rare and endangered Australian plant species with a focus on East Coast. Planted around the existing Administration Building and Carpark	Retain and replicate collection. Collection to be replicated to plant place species within their habitat throughout the rainforest, dryland, and sclerophyll collections as part of a new Rare and Endangered walk.
28. Fig Lawn		C. Pleasure Gardens	A collection of Palms, Pines, Figs and Eucalyptus micrcorys planted in adhoc layout. Some of the fig specimens have failed. High use area of the garden for recreation and shade is critical.	Revise Collection. Work to remove palm species with sharp spines as difficult to maintain and pose risk in this high use recreational area. Review and replant trees to enhance pleasure garden feel whilst remaining open for recreation and events.

CONCEPT MASTERPLAN - LIVING COLLECTIONS
BOTANIC GARDEN PRECEDENTS


Orange Botanic Gardens

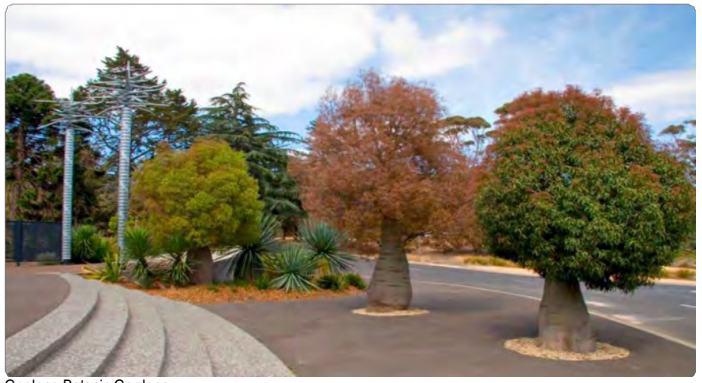

Waterview in Bicentennial Park


Wisley Gardens


Waterview in Bicentennial Park



Geelong Botanic Gardens


Geelong Botanic Gardens


Geelong Botanic Gardens


Geelong Botanic Gardens


University Of Wollongong (UOW)
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wollongong city of innovation
WOLLONGONG BOTANIC GARDEN 2025 - 2035
DRAFT MASTER PLAN - LANDSCAPE PLAN
MURPHYS AVENUE KEIRAVILLE
PREPARED BY: WCC LANDSCAPE SECTION
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NORTH

ITEM 3 PUBLIC EXHIBITION - DRAFT CODE OF MEETING PRACTICE

Council must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code within 12 months of each local government election.

RECOMMENDATION

That 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 Customer + Business Integrity
Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

1 Draft Code of Meeting Practice

ACRONYMS USED IN REPORT

Abbreviation	Meaning
LG Act	Local Government Act 1993 (NSW)
Model Meeting Code	Model Code of Meeting Practice for Local Councils in NSW
OLG	Office of Local Government

BACKGROUND

Council is required under section 360 of the *Local Government Act 1993* (LG Act) to 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.

In February 2025 the Office of Local Government (OLG) released a consultation draft for the Model Code of Meeting Practice that proposed a significant number of changes to develop a new model code of meeting practice. Council endorsed a submission on the proposed changes at the 24 February 2025 Council meeting.

PROPOSAL

The OLG has completed its assessment of submissions received regarding the consultation draft of the new Model Code of Meeting Practice and the OLG has advised that work is currently underway to finalise the new Model Meeting Code however a timeline has not been stated as to when the new model code will be released.

As the new Model Meeting Code has not been prescribed and a timeline has not been provided by the OLG, Council intends to place the currently adopted Code of Meeting Practice on public exhibition for consultation, to ensure that it can be readopted, as required by legislation, no later than 12 months after the 2024 local government elections.

If the Model Meeting Code is released by the OLG prior to this exhibition and re-adoption process, Council may pause or cancel the readoption of the current Code of Meeting Practice. However, any such decisions will be in accordance with any detailed guidance provided to Councils by the OLG on relevant transitional arrangements for moving to the new Model Meeting Code.

CONSULTATION AND COMMUNICATION

In accordance with s361 of the LG Act Council must give public notice of the draft code after it is prepared and exhibit it publicly for a period not less than 42 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 Our Future 2032 Goal 4 “We are a connected and engaged community”. It specifically delivers on the following:

Community Strategic Plan 2032		Delivery Program 2022-2026
Strategy		Service
4.7	Demonstrate responsible decision-making based on our values, collaboration, and transparent and accountable leadership	Governance and Administration

FINANCIAL IMPLICATIONS

There are no additional financial implications from the Code of Meeting Practice.

CONCLUSION

Adoption of a 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: XXX 2025

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.

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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.

LGA 365

3.2 The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Model Meeting Code

Extraordinary meetings

3.3 If the Lord Mayor receives a request in writing signed by at least two Councillors (the Lord Mayor can be one of the two Councillors), the Lord Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event, no more than fourteen (14) days after receipt of the request.

LGA 366

3.4 The General Manager, in consultation with the Lord Mayor, may call an extraordinary meeting of Council if considered necessary and appropriate.

Council protocol

Notice to the public of Council meetings

3.5 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)

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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

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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

- 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

3.25 The statement will also remind staff of their obligations under Council's Code of Conduct when preparing reports and answering questions during meetings of Council.

Availability of the agenda and business papers to the public

3.26 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.

3.27 Clause 3.26 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.

3.28 For the purposes of clause 3.26, 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.

3.29 A copy of an agenda, or of an associated business paper made available under clause 3.26, may in addition be given or made available in electronic form.

LGA 9 (2)-(5)

3.30 Council's agenda and business paper or individual reports may be obtained from Council's Customer Service Centre or the Libraries free of charge.

3.31 Councillors will receive Agendas and Business Papers electronically ten calendar days prior to an ordinary Council meeting.

3.32 Council will publish agendas and business papers to its website seven calendar days prior to an ordinary Council meeting, except where that day is a public holiday. In such cases, Council will publish the agenda and business papers on the next working day.

Council protocol

Agenda and business papers for extraordinary meetings

3.33 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.

3.34 Despite clause 3.33, 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.

3.35 A motion moved under clause 3.34(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.36 Despite clauses 10.24-10.34, only the mover of a motion moved under clause 3.34(a) can speak to the motion before it is put.

3.37 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.34(b) on whether a matter is of great urgency.

Model Meeting Code

Briefing sessions

3.38 The General Manager may hold briefing sessions to brief councillors on business that may be considered by Council at future meetings.

3.39 Briefing sessions are to be held in the absence of the public.

3.40 Briefing sessions may be held by audio-visual link.

3.41 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.

3.42 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.

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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.

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.

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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 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'

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f Procurement matters, such as formal tenders, quotations, expressions of interest, or calls for proposals.

g Matters where legal action has been commenced involving Council or where Council is in receipt of, or has served:

i. a Statement of Claim

ii. a Summons

iii. a Subpoena to attend Court or produce documents

h Staff related matters.

Council protocol

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.

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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)

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 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

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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.

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

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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.

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:

a at the same time as the meeting is taking place, or
b 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.

LGA 376

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.

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.

LGA 369

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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.

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

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 Forum[1]
7. Call of the Agenda

[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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8. Lord Mayoral Minute
9. Reports to Council
10. Notices of Motion(s)
11. Notice of Rescission motion
12. Urgent Items
13. Confidential Business
14. Conclusion of meeting

Model Meeting Code and Council protocol

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).

Model Meeting Code

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

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Lord Mayoral Minutes

9.7 Subject to clause 9.10, if the Lord Mayor[2] is the chairperson at a meeting of the Council, the Lord Mayor may, by minute signed by the Lord Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.

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

9.9 A recommendation made in a Lord Mayoral minute put by the Lord Mayor is, so far as it is adopted by the Council, a resolution of the Council.

9.10 A Lord Mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the 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

[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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respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.

9.18 Councillors must put questions directly, succinctly, respectfully and without argument.

9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

Model Meeting Code

Laying an item 'on the table'

9.20 A Councillor may move a Procedural Motion that an item 'lie on the table'. If the motion is successful, no further debate can be undertaken until there is a Procedural Motion for the item to be 'taken off the table'. Such a motion is not debatable and there can be no amendments or right of reply. This motion can be moved only once during the discussion of any substantive motion and if the motion is carried while an amendment is before the Chair, both the amendment and the original motion are laid on the table.

9.21 At the end of the Council meeting at which the item was 'laid on the table' the chairperson will remind Councillors that there are matter/s 'on the table' which Council may now wish to consider. Otherwise, the matter/s will appear on the agenda and business paper for the next ordinary Council meeting.

9.22 If and when the item is 'taken off the table' debate resumes where it left off, with Councillors who have already spoken (other than the mover in reply) having no further right to speak, unless the procedural motion to take the item 'off the table' calls for the speakers list to be recommenced.

Splitting Motions for Debate

9.23 Where Council is considering a report of a complex nature or contains multiple recommendations a Councillor may move a Procedural Motion that the motions before the meeting be split and determined either in groups or individually. In this instance Council will record the names of the 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.

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Chairperson's duties with respect to motions

10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.

10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Model Meeting Code

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

Council protocol

Amendments to motions

10.10 An amendment to a motion must be moved and seconded before it can be debated.

10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

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.

Model Meeting Code and Council protocol

Foreshadowed motions and amendments

10.20 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

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10.21 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

10.22 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Model Meeting Code

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

Council protocol

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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CODE OF MEETING PRACTICE COUNCIL POLICY

Model Meeting Code

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.

Model Meeting Code

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.

Model Meeting Code

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.

Model Meeting Code

11.11 Council will record all voting in a voting register available on its website at www.wollongong.nsw.gov.au.

LGA 375A

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.

LGA 373

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

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

Note: Clauses 10.24-10.34 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.

Model Meeting Code

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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CODE OF MEETING PRACTICE COUNCIL POLICY

Model Meeting Code

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,

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)

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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:

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 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

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

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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

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.

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

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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.

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.

LGA 371

17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

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

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 10.20–10.30, 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).

[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.

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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

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 pm[3].

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,

[3] Council protocol

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

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 PartThis 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.

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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

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

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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 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.

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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.

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

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CODE OF MEETING PRACTICE — COUNCIL POLICY

APPROVAL AND REVIEW	
Responsible Division	Customer and Business Integrity
Date/s adopted	*Council* XX August 2025
Date/s of previous adoptions	02/05/2022, 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	October 2028

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CODE OF MEETING PRACTICE | COUNCIL POLICY

ATTACHMENT 1 - DEFINITIONS

Term	Definition
the Act	means the *Local Government Act 1993*
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to 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 10.21 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a Councillor under clause 10.20 of this code during debate on an original motion
General Manager	means the General Manager of Wollongong City Council
LGA	means the *Local Government Act 1993*. Where used, this abbreviation will be followed by numbers and/or letters, which are references to a section of the Act.
motion	a proposal put forward by a Councillor or a Committee member calling for a specific action to be taken or a decision to be made on a particular matter before the meeting.
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
planning decision	means a decision made in the exercise of a function of a Council under the *Environmental Planning and Assessment Act 1979* including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act.
performance improvement order	means an order issued under section 438A of the Act

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CODE OF MEETING PRACTICE COUNCIL POLICY

Term	Definition
Petitions	**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 (including electronic) of at least four people from four different households. NOTE: 1. Petition includes petitions lodged by electronic means or online platforms 2. Petitions are not subject to discussion or debate.
Presentations	**Presentations** for the purposes of this Code means: (a) *Invited speakers* Opportunity for invited speakers, e.g. auditors, to address Council, and/or (b) *Notice of receipt of awards and similar* Opportunity for Councillors to advise Council of any presentations received by them on behalf of the Council since its last meeting, such as the receipt of awards. NOTE: Presentations are not subject to discussion or debate.
quorum	means the minimum number of Councillors or committee members necessary to conduct a meeting.
the Regulation	means the *Local Government (General) Regulation 2021*.
Relative	relative, in relation to a person, means any of the following; (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or the person's spouse or de facto partner; (b) the spouse or de facto partner of the person or of a person referred to in paragraph (a).
Variation to a motion	is where a Councillor seeks to vary a motion by obtaining the consent of the mover and seconder of the motion to have the proposed variation included in the motion.
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

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CODE OF MEETING PRACTICE | COUNCIL POLICY

ATTACHMENT 2 – TABLE OF PROCEDURAL MOTIONS

Table of Procedural Motions and example motions	Seconder	Clause
Adjourn a meeting *Moved/seconded that the Meeting be adjourned to [specify date and time]*	YES	Clause 18.3
Dealing with Items by Exception (Call of the agenda) *Moved/seconded that [list items numbers] be resolved as a block*	YES	Part 13
Extend a speaker's speech time *Moved/seconded that Cr [name] be given an additional [specify, up to 5 minutes] to debate the matter*	YES	Clause 10.26
Extension of meeting time *I Move to extend meeting time to [10.30 pm]*	NO	Clause 18.2
Foreshadowed motion or amendment *I Foreshadow that if the motion/amendment is lost intend to move the following motion/amendment*	NO	Clause 10.20 and 10.21
Lay an item on the table, take item off the table *Moved/Seconded that item [number and title] be laid on the table, pending additional information being provided to Councillors at a Councillor briefing.* *Moved/Seconded that item [number and title] be taken off the table and:* *debate resumes where it left off OR the list of speakers be recommenced*	YES	Clause 9.20
Limit the number of speeches (motion or amendment be now put) *I Move the Motion be now Put*	NO	Clause 10.29
Motion of dissent *I Move to dissent from the ruling of the Chair*	NO	Clause 15.8
Motion to transact business without notice (urgency motion) *Moved/Seconded that the Council will consider the business without notice*	YES	Clause 9.3
Point of order *I Move a point of Order that [specify point]*	NO	Clause 15.1
Split motions for debate *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]*	YES	Clause 9.23
Suspend standing orders (changing order of business) *Moved/seconded that standing orders be suspended, and item [number] be considered ["here" or "after staff reports" etc].*	YES	Clause 8.3

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CODE OF MEETING PRACTICE COUNCIL POLICY

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 commencement of the Council meeting where elections are scheduled to be held. Any nominations available at the time of printing the Council Business Papers, will be 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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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 (i.e. 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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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.

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ITEM 4 PUBLIC EXHIBITION - CODES OF CONDUCT

Council is required to review its Code of Conduct within 12 months of each ordinary election of the Council. This report presents the Codes of Conduct for adoption by Council.

RECOMMENDATION

Council place the below Codes of Conduct on public exhibition for a period of not less than 28 days, after which time they will be reported to Council for adoption with a summary of any submissions received.:

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

REPORT AUTHORISATIONS

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

ATTACHMENTS

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

ACRONYMS USED IN REPORT

Abbreviation	Meaning
Act	Local Government Act 1993
OLG	Office of Local Government

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 May 2024.

PROPOSAL

A review of Council's existing Codes of Conduct has been undertaken as required by the *Local Government Act 1993* (the Act). As Council's Codes of Conduct were adopted in May 2024 based on the 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.

The Office of Local Government (OLG) is currently reviewing the Councillor Conduct Framework with a view to facilitate and support local decision making. The OLG released a discussion paper *"The Councillor conduct and meeting practices – A new framework"* in November 2024 and requested feedback from the community, key stakeholders, and the local government sector about the proposed changes. Council endorsed a submission by staff on the proposed changes at the 25 November 2024 Council meeting.

As the new Model Codes of Conduct has not been prescribed, Council is planning to adopt the current existing meeting codes following public exhibition and consultation.

OLG will provide detailed guidance to Councils on adoption and the relevant transitional arrangements when the new Codes of Conduct are finalised.

CONSULTATION AND COMMUNICATION

The are no provisions in the Act relating to the public exhibition of a draft Code of Conduct prior to adoption by Council. However, it is appropriate that Council give public notice of the draft code, after it is prepared, and exhibit it publicly for a period of not less than 28 days during which time 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 Our Future 2032 Goal 4 “We are a connected and engaged community”. It specifically delivers on the following:

Community Strategic Plan 2032		Delivery Program 2022-2026
Strategy		Service
4.7	Demonstrate responsible decision-making based on our values, collaboration, and transparent and accountable leadership	Governance and Administration

FINANCIAL IMPLICATIONS

There are no direct financial implications from the Codes of Conduct which are being placed on exhibition.

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

Adopted XX August 2025



wollongong
city of innovation

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. Councillors play a critical role in establishing good governance practices throughout the Council at all levels. We are committed to 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.



Upholding 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 Tania Brown

Lord Mayor

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Part 1: Introduction



Part 1 - Introduction

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 2021* ("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.

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Part 2: Definitions



Part 2 - Definitions

In this Code the following terms have the following meanings:

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 400O of the LGA
LGA	the *Local Government Act 1993*
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 *Local Government (General) Regulation 2021*
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 Councillors

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Part 3: General Conduct Obligations



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) 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]

3.8. All Council officials, including Councillors, that become aware of harassment or discrimination of another Council official are required to immediately report details to their supervisor, manager, Manager People and Culture, Public Officer, Professional Conduct Coordinator or the General Manager.

[Council Protocol]

Sexual harassment

3.9. You must not sexually harass others, or support others who sexually harass others.

3.10. For the purposes of this Code, "sexual harassment" is any form of sexual behaviour towards a person that is unwanted or unwelcome and where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. Sexual harassment is unlawful under the Sex Discrimination Act and some types of sexual harassment may also be criminal offences.

3.11. Sexual harassment may involve, but is not limited to, any of the following types of behaviour:

a) staring, leering or unwelcome touching
b) suggestive comments or jokes
c) unwanted invitations to go out on dates or requests for sex
d) intrusive questions about a person's private life or body
e) unnecessary familiarity, such as deliberately brushing up against a person
f) emailing pornography or rude jokes
g) displaying images of a sexual nature around the workplace
h) communicating content of a sexual nature through social media or text messages
i) behaviour which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications
j) dating, relationships or sexual conduct
k) between employees, even if it is consensual, must not create an unpleasant and sexualised workplace for others.

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3.12. All Council officials, including Councillors, that become aware of the sexual harassment of another Council official are required to immediately report details to their manager, Manager People and Culture, Public Officer, Professional Conduct Coordinator or the General Manager.

(Council protocol)

Bullying

3.13. You must not engage in bullying behaviour towards others, or support others who engage in bullying behaviour towards others.

3.14. 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.

3.15. 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) c spreading malicious rumours

d) teasing, practical jokes

e) or 'initiation ceremonies'

f) exclusion from work-related events

g) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level

h) displaying offensive material

i) pressure to behave in an inappropriate manner.

3.16. All Council officials, including Councillors, that become aware of bullying of another Council official are required to immediately report details to their supervisor, manager, Manager People and Culture, Public Officer, Professional Conduct Coordinator or the General Manager.

[Council Protocol]

3.17. 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

3.18. 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]

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Land use planning, development assessment and other regulatory functions

3.19. 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.

3.20. 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]

3.21. 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

3.22. You must not participate in binding caucus votes in relation to matters to be considered at a Council or Committee meeting.

3.23. 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.

3.24. 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.

3.25. 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

3.26. 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.

3.27. 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).

3.28. 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.

3.29. 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

3.30. The Lord Mayor and the General Manager are the official spokespersons on Council business.

3.31. The Lord Mayor may delegate Councillors to act as spokespersons for Council.

3.32. 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]

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Fraud and Corruption

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

3.34. 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

3.35. 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) 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.

3.36. 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

3.37. 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 or 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]

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Part 4: Pecuniary Interests



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 memberof 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

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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

  i security for damage to footpaths or roads

  ii 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 relating to the payment of fees to Councillors (including the Lord Mayor and Deputy Lord Mayor)

k) 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

l) 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

m) 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

n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor

o) 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.

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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 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.

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

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Minister is of the opinion:

a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or

b) that it is in the interests of the electors for the area to do so.

4.27 A Councillor with a pecuniary interest in a matter who is permitted to be present at a meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.26, must still disclose the interest they have in the matter in accordance with clause 4.16.

[Model Code]

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Part 5: Non-Pecuniary Conflicts of Interests



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 youto identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this Code.

5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

[Model Code]

Managing non-pecuniary conflicts of interest

5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non- pecuniary conflict of interest arises in relation to the matter.

5.7 If a disclosure is made at a Council or Committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non- pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

a) a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household

b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship

c) an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation

d) membership, as the Council's representative, of the board or management Committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council and the organisation are potentially in conflict in relation to the particular matter

e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1

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.

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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 ifyou 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:

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

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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]

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Part 6: Personal Benefit



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) 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. This includes frequent flyer programs when Council has met the cost of travel.

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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.

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Part 7: Relationships Between Council Officials



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 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 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

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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]

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Part 8: Access to Information & Council Resources



Part 8 – Access to information and council resources

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.

8.10 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.

8.11 Where it is believed that significant resources will be required to respond to a Councillor Request, or the number of

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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.

8.12 The following reports will be provided to Councillors via the Councillor Portal on a monthly basis:

a) active Councillor requests

b) completed Councillor requests for the previous three months.

[Council protocol]

Councillors and Administrators to properly examine and consider information

8.13 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

8.14 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]

8.15 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

8.16 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

8.17 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

8.18 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.19 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).

8.20 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

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publicly advertised fee is paid for use of the resources, property or facility.

8.21 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.

8.22 You must not convert any property of the Council to your own use unless properly authorised.

Personal information

8.23 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

8.24 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.

8.25 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.

8.26 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

8.27 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

8.28 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.

8.29 When using social media, you must comply with the general conduct provisions of this Code.

[Council protocol]

Council record keeping

8.30 You must comply with the requirements of the State Records Act 1998 and the Council's records management policy.

8.31 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.

8.32 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.

8.33 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.

8.34 Records of Council business that are created or received by Councillors (with the

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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

8.35 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.

8.36 Councillors and Administrators needing access to these facilities at other times must obtain authority from the General Manager.

8.37 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]

8.38 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.

8.39 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

8.40 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.

8.41 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

8.42 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.

8.43 Councillor briefing sessions are subject to specific provisions in Council's Code of Meeting Practice

8.44 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.

8.45 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.

8.46 The conflict of interest provisions of this Code apply to all Councillor briefing sessions.

8.47 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

8.48 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.

8.49 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.

8.50 A Councillor must put every question directly, succinctly and without argument.

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8.51 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.

Interaction Between Councillors and Council Staff Outside of Meetings

8.52 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 with staff 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.

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. Staff must immediately report all breaches to their Divisional Manager, Director or General Manager.

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Part 9: Maintaining the Integrity of this 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.

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 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*.

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]

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Schedule 1:

Disclosures of Interests and other Matters in Written Returns Submitted Under Clause 4.9



Schedule 1 - Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this Code, the following definitions apply:
2.

address means:

a) in relation to a person other than a corporation, the last residential or business address of the person known to the Councillor disclosing the address, or

b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or

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 Councillor

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 Councillor became aware of the interest to be disclosed.

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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

3. *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.

4. *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.

5. *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.

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Schedule 1 - Part 2: Pecuniary interests to be disclosed in returns

Real property

6. 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.

7. 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.

8. 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.

9. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

10. 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.

11. 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.

12. 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

13. 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.

14. A financial or other contribution to any travel need not be disclosed under this clause if it:
    a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
    b) was made by a relative of the traveller, or
    c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
    d) did not exceed $250, unless it was among gifts totalling more than $250 made by the same person during a 12- month period or less, or
    e) was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
    f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
    g) subject to paragraph (d) it was received prior to the person becoming a Councillor.

15. 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.

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Interests and positions in corporations

16. 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.

17. 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.

18. 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.

19. 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

20. 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.

21. 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

22. 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.

23. 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

24. 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.

25. 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.

26. A disposition of real property need not be disclosed if it was made prior to a person becoming a Councillor.

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Sources of income

27. 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.
28. 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.
29. 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.
30. The source of any income received by the person that they ceased to receive prior to becoming a Councillor need not be disclosed.
31. 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

32. 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.
33. 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.
34. 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
        iii subject to paragraph (a), the debt was discharged prior to the person becoming a Councillor.

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.

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Schedule 2:

Form of Written Return if Interests Submitted Under Clause 4.9



Schedule 2 – Form of written returns of 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.

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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		
[*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

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

This form must be completed in BLOCK letters or typed

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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

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Schedule 3:

Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.25



Schedule 3 – Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.25

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(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.

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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 interest[1]
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.

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Attachment 1:

Summary of Councillor Request Process



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 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.

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APPROVAL AND REVIEW	
Responsible Division	Customer + Business Integrity
Responsible Manager	Governance and Risk Manager
Date/s adopted	XX August 2025
Date/s of previous adoptions	06/05/2024, 21/02/2022, 16/11/2020, 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	October 2028

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WOLLONGONG CITY COUNCIL

CODE OF CONDUCT

STAFF

Adopted XX August 2025



wollongong
city of innovation

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, Governance, People and Culture or any member of the Leadership team.

Greg Doyle
General Manager

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Part 1: Introduction



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 2021* ("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



Part 2 - Definitions

In this Code the following terms have the following meanings:

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 400O of the LGA
LGA	the *Local Government Act 1993*
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 *Local Government (General) Regulation 2021*
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



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]

3.8. All Council officials, including Councillors, that become aware of harassment or discrimination of another Council official are required to immediately report details to their supervisor, manager, Manager People and Culture, Public Officer, Professional Conduct Coordinator or the General Manager.

[Council Protocol]

Sexual harassment

3.9. You must not sexually harass others, or support others who sexually harass others.

3.10. For the purposes of this Code, "sexual harassment" is any form of sexual behaviour towards a person that is unwanted or unwelcome and where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. Sexual harassment is unlawful under the Sex Discrimination Act and some types of sexual harassment may also be criminal offences.

3.11. Sexual harassment may involve, but is not limited to, any of the following types of behaviour:

a) staring, leering or unwelcome touching

b) suggestive comments or jokes

c) unwanted invitations to go out on dates or requests for sex

d) intrusive questions about a person's private life or body

e) unnecessary familiarity, such as deliberately brushing up against a person

f) emailing pornography or rude jokes

g) displaying images of a sexual nature around the workplace

h) communicating content of a sexual nature through social media or text messages

i) behaviour which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

j) dating, relationships or sexual conduct between employees, even if it is consensual, must not create an unpleasant and sexualised workplace for others

3.12. All Council officials, including Councillors, that become aware of the sexual harassment of another Council official are required to immediately report details to their manager, Manager People and Culture, Public Officer, Professional Conduct Coordinator, or the General Manager.

[Council protocol]

Bullying

3.13. You must not engage in bullying behaviour towards others, or support others who engage in bullying behaviour towards others.

3.14. 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.

3.15. 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.

[Model Code]

3.16. All Council officials, including Councillors, that become aware of bullying of another Council official are required to immediately report details to their supervisor, manager, Manager People and Culture, Public Officer, Professional Conduct Coordinator or the General Manager.

[Council Protocol]

Reasonable Management Action

3.17. 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

3.18. 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

3.19. 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.

3.20. 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]

3.21. 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.

3.22. 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

3.23. 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

3.24. You must comply with rulings by the chair at Council and Committee meetings or other proceedings of the Council unless a motion dissenting from the ruling is passed.

3.25. You must not engage in bullying behaviour (as defined under this Part) towards the chair, other Council officials or any members of the public present during Council or Committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).

3.26. You must not engage in conduct that disrupts Council or Committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

[Model Code]

Fraud and Corruption

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

3.28. You must report any concerns that you reasonably believe may constitute fraud and/or corruption to Council's Professional Conduct Coordinator or the General Manager. Further, you must not ignore or condone any act that you reasonably suspect to constitute fraud or corruption. Failure to report or disclose any potential fraud or corruption may result in in disciplinary action against you.

[Council protocol]

Right to Work and Criminal Convictions

3.29. 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

3.30. 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

3.31. 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) express personal views on cultures, race or sexuality in the presence of children
i) discriminate against any child, including on the basis of age, gender, sexuality, race, cultural background or disability
j) ignore or disregard any concerns, suspicions or disclosures of child being harmed in any way

3.32. 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



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



Part 5 – Non-pecuniary 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 A member of staff must not take on an appointment to a Board or Committee with an organisation, of a type identified in the *Secondary Employment and Board / Committee Appointments Policy*, unless they have notified the General Manager in writing of the appointment and the General Manager has given their written approval for the staff member to engage in that activity.

5.18 The General Manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business, including appointment to Boards and Committees as outlined in 5.17, 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.

5.19 A member of staff must not engage, for remuneration, in private employment, contract work or other business or appointment to Boards and Committees as outlined in 5.17, outside the service of the Council if prohibited from doing so.

5.20 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

5.21 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 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.

5.25 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

5.26 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



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. This includes frequent flyer programs when Council has met the cost of travel

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



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



Part 8 – Access to information and Council resources

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]

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*

a Council's *Privacy Management Plan*

d) 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 a must does 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



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.

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.

[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

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.

Debts

30. A person making a return under clause 4.18 of this Code must disclose the name and address of each person to whom the person was liable to pay any debt:

    a) on the return date, and
    b) at any time in the period since 30 June of the previous financial year.

31. A liability to pay a debt must be disclosed by a person in a return made under clause 4.18 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.

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 of 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)
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

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	Customer + Business Integrity
Date adopted by Council	XX August 2025
Date/s of previous adoptions	06/05/2024; 21/02/2022, 16/11/2020, 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	October 2028

WOLLONGONG CITY COUNCIL

CODE OF CONDUCT

COUNCIL COMMITTEE MEMBERS, DELEGATES OF COUNCIL AND COUNCIL ADVISERS

Adopted XX August 2025

Draft



wollongong
city of innovation

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



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 2021* ("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.

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Part 2: Definitions

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Part 2 Definitions

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. 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 *Local Government Act 1993*
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 *Local Government (General) Regulation 2021*
wholly advisory Committee	a Council Committee that the Council has not delegated any functions to

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Part 3: General Conduct Obligations



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
b) officials into disrepute
c) is contrary to statutory requirements or the Council's administrative requirements or policies
d) is improper or unethical
e) is an abuse of power
f) causes, comprises or involves intimidation or verbal abuse
g) involves the misuse of your position to obtain a private benefit
h) 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.

3.8 All Council officials, including Councillors, that become aware of harassment or discrimination of another Council official are required to immediately report details to their supervisor, manager, Manager People and Culture, Public Officer, Professional Conduct Coordinator or the General Manager.

Sexual Harassment

3.9 You must not sexually harass others, or support others who sexually harass others.

3.10 For the purposes of this Code, "sexual harassment" is any form of sexual behaviour towards a person that is unwanted or unwelcome and where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated, or intimidated. Sexual harassment is unlawful under the Sex Discrimination Act and some types of sexual harassment may also be criminal offences.

3.11 Sexual harassment may involve, but is not limited to, any of the following types of behaviour:

a) staring, leering or unwelcome touching
b) suggestive comments or jokes
c) unwanted invitations to go out on dates or requests for sex
d) intrusive questions about a person's private life or body
e) unnecessary familiarity, such as deliberately brushing up against a person
f) emailing pornography or rude jokes
g) displaying images of a sexual nature around the workplace
h) communicating content of a sexual nature through social media or text messages
i) behaviour which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

3.12 dating, relationships or sexual conduct between employees, even if it is consensual, must not create an unpleasant and sexualised workplace for others

3.13 All Council officials, including Councillors, that become aware of the sexual

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harassment of another Council official are required to immediately report details to their manager, Manager People and Culture, Public Officer, Professional Conduct Coordinator or the General Manager.

(Council protocol)

Bullying

3.14 You must not engage in bullying behaviour towards others, or support others who engage in bullying behaviour towards others.

3.15 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

[Council Protocol]

b) the behaviour creates a risk to health and safety.

3.16 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.

3.17 All Council officials, including Councillors, that become aware of bullying of another Council official are required to immediately report details to their supervisor, manager, Manager People and Culture, Public Officer, Professional Conduct Coordinator or the General Manager.

[Council Protocol]

Reasonable Management Action

3.18 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

3.19 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

f) member nominated by the General Manager, and take part in any incident investigations

g) 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

3.20 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.

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3.21 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

3.22 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.

3.23 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).

3.24 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

3.25 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

c) 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

d) promote the cultural safety, participation and empowerment of Aboriginal children, and children with a disability, and with culturally or linguistically diverse backgrounds

e) model appropriate adult behaviour in an open and transparent 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]

d) respect the privacy of parents and children by not disclosing personal information

e) where child abuse is suspected, ensure that children are safe and protected from harm as quickly as possible

f) encourage children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them

3.27 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

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Part 4: Pecuniary Interests

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Part 4 – Pecuniary Interests

What is a pecuniary interest?

4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.

4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.

4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:

a) your interest, or

b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or

c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

4.4 For the purposes of clause 4.3:

a) Your "relative" is any of the following:

i your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

ii your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

iii the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).

b) "de facto partner" has the same meaning as defined in section 21C of the Interpretation Act 1987.

4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):

c) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or

d) 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

e) 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

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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.

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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.

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.

4.27 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.

Draft

4.29 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.

4.30 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.

4.31 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]

Draft

Part 5: Non-Pecuniary Conflicts of Interests

Draft



Part 5 – Non-pecuniary 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.

Draft

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]

Draft

Part 6: Personal Benefit

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Part 6 – Personal benefit

6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a Council official or someone personally associated with them for their personal use and enjoyment.

6.2 A reference to a gift or benefit in this Part does not include:

a) 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. This includes frequent flyer programs when Council has met the cost of travel.

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]

Draft

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.

Draft

Part 7: Access to Information & Council Resources

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Part 7 – Access to Council information and resources

Improper and undue influence

7.1 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.

7.2 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]

Use of certain Council information

7.3 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

7.4 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

7.5 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

7.6 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

7.7 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.

7.8 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.

7.9 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.

7.10 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.

Draft

7.11 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.

7.12 You must not convert any property of the Council to your own use unless properly authorised.

Internet access

7.13 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]

7.14 When using social media, you must comply with the general conduct provisions of this Code.

[Council protocol]

Information Technology

7.15 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]

Council record keeping

7.16 You must comply with the requirements of the State Records Act 1998 and the Council's records management policy.

7.17 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.

7.18 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.

7.19 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]

Draft

Part 8: Maintaining the Integrity of this Code



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]

Draft

Schedule 1:

Disclosures of Interests and other Matters in Written Returns Submitted Under Clause 4.16

Draft

Schedule 1, Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this Code, the following definitions apply:

address means:

a) in relation to a person other than a corporation, the last residential or business address of the person known to the Councillor disclosing the address, or

b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or

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 Councillor

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 Councillor became aware of the interest to be disclosed.

Draft

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.

Draft

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.

Draft

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.

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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.

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Schedule 2:

Form of Written Return if Interests Submitted Under Clause 4.16



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

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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*]

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

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)

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

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APPROVAL AND REVIEW	
Responsible Division	Customer + Business Integrity
Date/s adopted	XX August 2025
Date/s of previous adoptions	06/05/2024, 21/02/2022, 16/11/2020, 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	October 2028

Draft

WOLLONGONG CITY COUNCIL

PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

ADOPTED XX August 2025

Draft



wollongong
city of innovation

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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.

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Part 2: Definitions

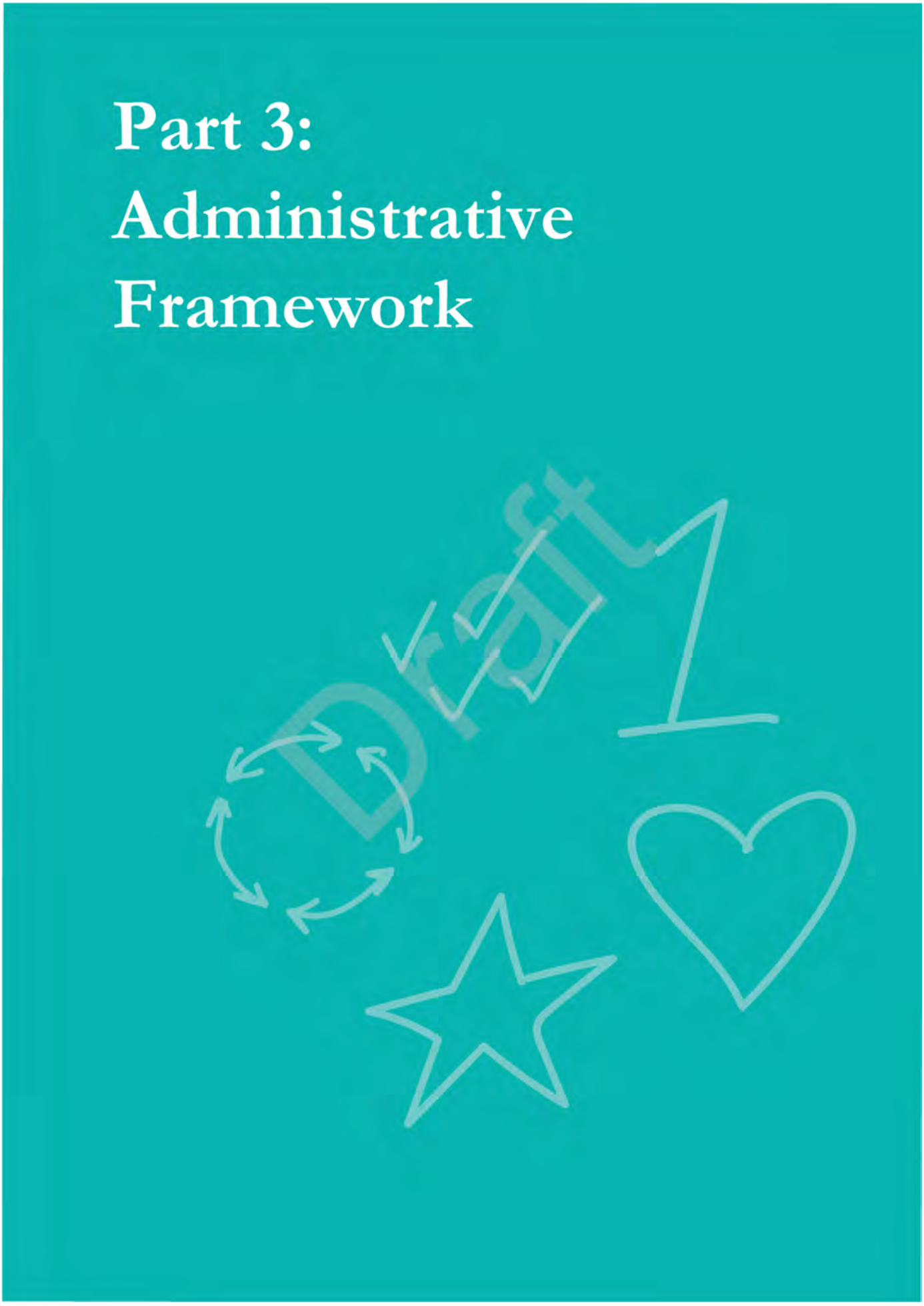


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In this Procedure the following terms have the following meanings:

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 *Local Government Act 1993*
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.

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Part 4: How may Code of Conduct complaints be made?



What is a Code of Conduct complaint?

4.1 For the purpose of these procedures, a Code of Conduct complaint is a complaint that shows or tends to show conduct on the part of a Council official in connection with their role as a Council official or the exercise of their functions as a Council official that would constitute a breach of the standards of conduct prescribed under the Council's Code of Conduct if proven.

4.2 The following are not "Code of Conduct complaints" for the purposes of these procedures:

a complaints about the standard or level of service provided by the Council or a Council official

b complaints that relate solely to the merits of a decision made by the Council or a Council official or the exercise of a discretion by the Council or a Council official

c complaints about the policies or procedures of the Council

d complaints about the conduct of a Council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the Council's Code of Conduct.

4.3 Only Code of Conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a Code of Conduct complaint are to be dealt with under the Council's routine complaints management processes.

When must a Code of Conduct complaint be made?

4.4 A Code of Conduct complaint must be made within 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.

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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.

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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

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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

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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.

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Part 7:

Investigations of Code of Conduct complaints about Councillors or the General Manager

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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

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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 General

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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.

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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.

Draft

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.

Draft

Part 10: Practice directions



10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.

10.2 The Office will issue practice directions in writing, by circular to all Councils.

10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

Draft

Part 11:

Reporting statistics on Code of Conduct complaints about Councillors and the General Manager

Draft



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.

Draft

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.

Draft

APPROVAL AND REVIEW		
Responsible Division	Governance and Customer Service	
Date/s adopted		*Council* **XX August 2025**
Date/s of previous adoptions	21/02/2022, 16/11/20202, 27/02/2019, 20/11/2017, 25/02/2013, 23/07/2008, 16/10/2007, 28/02/2005, 28/06/2004	
Date of next review	October 2028	

Draft

ITEM 5 POST EXHIBITION - PLANNING PROPOSAL - TEMPORARY EVENTS TO BE INCLUDED AS EXEMPT DEVELOPMENT ON COUNCIL MANAGED LAND

On 3 February 2025, Council resolved to exhibit a Planning Proposal request to amend Schedule 2 Exempt Development of the Wollongong Local Environmental Plan 2009 (Wollongong LEP 2009). The proposal seeks to include Temporary Events (Commercial and Community) as Exempt Development on certain Council owned and manage land, including Crown Land, and land within the road reserve where Council is the Roads Authority. The Planning Proposal seeks to reduce the approval steps under the *Environmental Planning and Assessment Act 1979* for hosting an event, making it easier for event organisers.

At the meeting Council also resolved to exhibit a revised Wollongong Development Control Plan 2009 (Wollongong DCP 2009) – Chapter: C6 Events Management. The chapter has been revised and update to reflect legislative and standards changes. Chapter C6 will continue to apply to events that fall outside the proposed exempt development provisions and require lodgement of a Development Application.

This report considers the exhibition feedback and recommends that Council progress the Planning Proposal request to finalisation and adopt the amended Wollongong DCP 2009 Chapter C6: Events Management.

RECOMMENDATION

1 The Planning Proposal to amend Schedule 2 Exempt Development to include Temporary Events (Commercial and Community) as Exempt Development (Attachment 1), be finalised for the preparation of an amendment to the Wollongong Local Environmental Plan (LEP) 2009.

2 The General Manger proceed to exercise delegation as issued by the NSW Department of Planning, Housing and Infrastructure under Section 3.36 of the *Environmental Planning and Assessment Act 1979* (NSW), in relation to the final proposal.

3 The revised Wollongong DCP 2009 Chapter C6: Events Management (Attachment 2) be adopted and a notice appear in the Public Notices advising of the adoption.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy
Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

1 Schedule 2 Exempt Development - Temporary Events clause
2 Wollongong Development Control Plan 2009 Chapter C6 Events Management

ACRONYMS USED IN REPORT

Abbreviation	Meaning
DA	Development Application
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DCP	Development Control Plan
DPHI	Department of Planning, Housing and Infrastructure
ISRP	Illawarra Shoalhaven Regional Plan 2009
LEP	Local Environmental Plan
LGA	Local Government Area
NSW RFS	New South Wales Rural Fire Service
SEPP	State Environmental Planning Policy
TfNSW	Transport for NSW

BACKGROUND

Council owned and managed land is used to host a range of sporting, cultural and community events, which provide social benefits and contribute to the local economy. However, they can be complex to organise as different approvals can be required, including -

- Development Application for temporary use of land.
- Consistency with a Plan of Management for Council or Crown Land.
- Road closure or use permit, under section 138 of the *Roads Act 1993*.
- Event application / licence for use of Council land or Crown Land where Council is the Crown Land Manager.
- Licence from NSW Crown Land for devolved Crown reserves.
- Licencing if alcohol is proposed to be served.

Some parks and reserves can have multiple tenures which results in different requirements, which adds to the complexity for community events organisations. It can also be time consuming and requires early planning by event organisers.

State Environmental Planning Policy (Exempt and Complying Codes) 2008 (the Codes SEPP), defines community event as: *a function or event open to the public or a section of the public that is a ceremony, cultural celebration, exhibition, fete, fair, gathering, market or sporting event.*

The Codes SEPP includes provisions for tents, marques, stages to be exempt development for community events if they satisfy the specified criteria (clauses 2.119, 2.120, 2.123, 2.124), and as complying development if they satisfy the specified criteria (clauses 4A.5 – 4A.8). The Codes SEPP definition and provisions do not cover commercial events such as music festivals.

In 2012, 2016 and 2021 Council adopted the Major Events Strategy which includes event classifications of global, signature, major, regional and community. Council categorises events into the following tiers -

- Tier 1 is 10,000+ total participants/attendees.
- Tier 2 is 5,000+ total participants/attendees.
- Tier 3 is 1,000+ total participants/attendees.
- Tier 4 is less than 1,000 total participants/attendees.

To assist event management, in 2013, Council approved eight Development Consents to enable community events on key parks and reserves. In 2020 a further seven sites were approved. To hold an event in these locations requires an Event Application (license), which is managed by Council's Events Team. The Events Team provides a concierge service to assist event organisers. The Event Application process still requires the submission of documentation to address risk management, traffic management, waste management and noise management. The level of documentation required varies with the scale of the event.

The Major Event sites development consents specify the number of events in each tier that are permitted to occur each year. For example, within Foreshore sites (coastal strip between Wollongong No 2 Showground and Elliotts Road) a maximum of three (3) Tier 1 Signature Events, six (6) Tier 2 Major Events, eight (8) Regional Events are permitted per annum in addition to all Tier 4 Community Events.

Council's current Event Application requirements include the following -

- Event Management Plan.
- Risk Management Plan.
- Site Plan.
- Waste Management Plan.
- Event Notification.

Where applicable -

- Traffic plans which include Vehicle and Pedestrian Management.
- Security and Alcohol Management Plan.
- Emergency Management.
- Noise Management.

In 2024, Council applied for grant funding under the Permit/Plug/Play Program, as part of the NSW Government's Vibrancy Reforms. The program offered successful Councils funding up to $500,000 to host a street-based event. Councils were tasked with identifying complexities in planning and hosting street-based events, then streamline the process by implementing localised solutions. Councils are then required to host an event and evaluate their newly streamlined processes and provide feedback to the State Government. Council was successful with its grant application and was approved to receive $500,000 in funding.

The grant application identified the Development Application (DA) process as adding complexity to the organisation of park and street-based events. The DA process adds an additional layer of complexity and requires greater lead in times for event organisation to navigate. The grant application proposed a review of the requirement for a development application.

A review of other NSW Councils LEPs identified that -

- Some LEPs include Events as Exempt Development (e.g. Ballina, Bega Valley, Hawkesbury, Kiama, Ku-ring-gai, Lismore, North Sydney, Richmond Valley, Ryde, Shoalhaven, Sutherland, Sydney, Tweed, Wagga Wagga, Waverly, Willoughby, Wollondilly and Woollahra).
- Some LEPs include Events as an Additional Local Provision, (e.g. Great Lakes - Mid Coast, Muswellbrook, Nambucca, Newcastle, Singleton, Tamworth and Upper Hunter).

It is understood that two other Councils are reviewing their LEP provisions, as a consequence of successful grant applications.

On 3 February 2025, Council considered a report on temporary events and a proposal to simplify the planning process. The report proposed the preparation of a Planning Proposal to list Temporary Events on Council sites as Exempt Development, and to update the Wollongong Development Control Plan (DCP) 2009 Chapter C6 Event Management for those other events that require a development application -

- The Planning Proposal seeks to amend Schedule 2 Exempt Development of the Wollongong LEP 2009 to include Temporary Events (Commercial and Community). The intent of the proposal is to reduce the number of approvals required to host a temporary event within the LGA on Council owned / manage land including Crown Lands and within the road reserve where Council is the Road Authority.

  Exempt Development does not require Council approval under the Environmental Planning and Assessment Act, provided the use complies with the specified requirements. A licence agreement (Event Application) would still be entered into with Council for the use of Council managed land.

- Wollongong DCP 2009 – Chapter C6 Event Management was adopted on 15 December 2009 and commenced on 1 March 2010. The chapter outlines the objectives, controls and guidance for the management of temporary indoor and outdoor events on land that is not primarily for public entertainment purposes within the Wollongong LGA. The chapter outlines the objectives and development controls for carrying out an event within the Wollongong LGA that cannot be considered for an exemption. The chapter includes controls to guide associated event associated activities such as noise, traffic management, food handling and fireworks.

  A review of the chapter occurred to reflect the changes that will result from the Planning Proposal to amend Schedule 2 of the Wollongong LEP to include Temporary Events (Commercial and Community), on Council land as Exempt Development. The chapter has also been updated to reflect contemporary legislation and policy amendments.

On 3 February 2025 Council resolved that -

1 *A Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by including in Schedule 2 Exempt Development: Temporary events (commercial and community) on Council owned and/or managed land, including Crown Land and within the road reserve for which Council is the road authority, subject to being consistent with an adopted Plan of Management over the land where applicable.*

2 *The Planning Proposal be forwarded to the NSW Department of Planning, Housing and Infrastructure for Gateway determination and requesting authorisation for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.*

3 *If approved, the Planning Proposal be exhibited for a minimum period of twenty-eight (28) days.*

4 *The draft Wollongong Development Control Plan 2009 – Chapter C6 Event Management be exhibited with the Planning Proposal.*

The Planning Proposal and draft Wollongong DCP Chapter C6 Event Management were exhibited from 7 May 2025 to 10 June 2025.

PROPOSAL

At the close of the exhibition process, Council received six (6) submissions which are summarised in Table 1. No submissions commented on the draft DCP chapter.

Based on the feedback, minor amendments to the wording of the proposed exempt development provision are to include references to other legislation (where approvals may be required) and strengthening environmental protections.

The final wording of the provision will be drafted by NSW Parliamentary Counsel Office and be approved by the NSW Department of Planning, Housing and Infrastructure.

The revised amendment to Wollongong LEP 2009, Schedule 2 Exempt Development – Temporary Events (Commercial and Community) (Attachment 1) includes highlighted amendments made to the exhibited document. The amendments relate to –

- An addition to the Clause to ensure Temporary Events do not adversely impact on native flora, fauna and their habitats.
- An addition to the Clause to ensure Temporary Events do not impact on the cultural significance of heritage items and Sites of Aboriginal Cultural Significance.
- Inclusion of the '*Heritage Act 1977*' under the Note for other approvals.

The revised Wollongong DCP 2009 Chapter C6 (Attachment 2) includes highlighted amendments made to the exhibited document. The minor amendments relate to –

Minor formatting changes and typographical changes -

- Inclusion of the *Heritage Act (NSW) 1977, National Parks and Wildlife Act (NSW) 1974* and Planning for Bush Fire Protection under the amended heading 'Other Relevant Legislation and Documents'.
- The inclusion that a risk assessment and emergency management plan are required if an event is proposed to be held on land mapped as Bush Fire or Flood Prone Land.
- Inclusion of Planning for Bush Fire Protection under the heading 'Additional Resources".

To complement the proposed amendment, a Council Events Management Policy is proposed to be prepared to assist Council staff and event organisers to plan and manage future exempt development events on Council owned and/or managed land and roads. The policy will include the event tiers, the requirements, and the circumstances where a development application may still be required.

CONSULTATION AND COMMUNICATION

The Planning Proposal and the amended DCP Chapter C6 was exhibited as per the requirements of the Gateway Determination issued by DPHI on 13 March 2025 and the *Environmental Planning and Assessment Act 1979*.

The NSW RFS were required to be consulted prior to public exhibition between 14 March and 11 April 2025. NSW RFS provided feedback that resulted in a minor amendment to the proposed wording of the provision.

Following Council receiving NSW RFS feedback, the Planning Proposal and Wollongong DCP 2009 Chapter C6 Events Management were referred to State agencies between 29 April and 13 June 2025 and exhibited between 7 May and 10 June 2025.

The amended Planning Proposal, the revised Wollongong DCP 2009, and supporting documents were made available for the public to view via Council's engagement website, in all Council Libraries and at Council's Customer Service Centre in the Administration Building.

All active Neighbourhood Forums were notified of the public exhibition by email. The following key stakeholders were also notified of the public exhibition through the NSW Planning Portal or by email –

- NSW RFS.
- DCCEEW – Flooding.
- Crown Lands.
- Transport for NSW.
- NSW Ambulance.
- NSW Police.
- NSW Fire and Rescue.
- NSW Health.

As a result of the public exhibition the web page received 62 views, 21 participants downloaded a document. Council did not receive any submissions through Council's engagement website.

A total of 6 submissions were received including -

- Submissions from State agencies: NSW RFS, TfNSW, DCCEEW.
- A submission from Neighbourhood Forum 5.
- Two submissions through the NSW Planning Portal.

Table 1: Summary of Submissions

Submitter	Submission	Response
NSW RFS	Request the following (bold text) amendment to the proposed wording in Schedule 2 subclause 4 to ensure adequate assessment against Planning for Bush Fire Protection is included in the risk assessment for events on bush fire prone land - 4 Must be accompanied by a risk assessment and emergency management plan if located on bush fire prone and/or flood prone land. **The Risk Assessment & Emergency Management Plan for events on bush fire prone land must include an assessment of the relevant parts of Section 8.3.8 Planning for Bush Fire Protection 2019 (or subsequent version) prepared by a BPAD accredited consultant and approved by Council. The plan must include, but not be limited to, the following:** **Consultation with the local RFS District Manager if any event is held during the Bush Fire Danger Period or on a Total Fire Ban or Day of an elevated Fire Danager Rating.**	The NSW RFS feedback was considered further and resulted in the proposed Clause being amended. The preparation of a risk assessment & emergency plan is required if the event is to be held on bush fire or flood prone land. Given the activity is deemed Exempt Development, the wording has been adjusted accordingly.
TfNSW	TfNSW supports a more streamlined approach, if the Traffic and Transport Plans undertaken as part of the Event Application were to demonstrate the event is likely to impact the state road network, the operation of traffic signals on any road or impact public transport including trains, the application must be forwarded to TfNSW. The lead time for event notification should be a minimum of 6 months for Class 1 events, minimum 3 moths for Class 2 events and 6 weeks for class 3 and 4 events, which will be dependent on Council's special event policy. All event proponents are to refer to the TfNSW Event Management Guidelines.	It will still be a requirement, as part of Council's Event Application and Leasing and Licencing Agreement, that a Traffic and Transport Plan will be required when necessary. Should a Traffic and Transport Plan be required, the timeframes identified by Transport for NSW will apply.

Submitter	Submission	Response
DCCEEW	The proposal requires that there be no "permanent physical change to the fabric of the location and / or structures where the use occurs." We raise for your consideration that from experience in other situations, it is important to specifically identify a need to also consider ancillary activities (e.g. storage of materials, access to sites) that can be overlooked and result in the need for urgent but temporary impacts, such as vegetation clearing. We suggest that a control be included that ensures that these are appropriately considered as part of any event planning.	The proposed Wollongong LEP 2009 amendment was revised to include the following, based upon the feedback provided by DCCEEW: *Must not include site excavations,* ***or adversely impact upon native flora, fauna and their habitats,*** *or result in permanent physical change to the fabric of the location and / or structures where the use occurs.*
Neighbourhood Forum 5	Support the proposed LEP amendment to exempt events on Council owned and managed land subject to the event being advertised and community consultation being undertaken before being determined.	The proposal seeks to amend Schedule 2 of the Wollongong LEP 2009 to include Temporary events upon Council owned and managed land. Under the Environmental Planning and Assessment Act 1979, it is not a requirement that exempt development be notified and community consultation undertaken. Therefore, as per the requirements of the Act, Community Consultation would not be undertaken for Temporary Events on Council owned or managed lands that are deemed Exempt Development. The proposal does not seek to make temporary events on privately owned land exempt development under the Wollongong LEP 2009. Therefore, temporary events on privately owned land will still require Development Consent and public notification and consultation.
Public submission 1	Support the Planning Proposal 1 The Exempt development pathway should be used for all temporary events.	Support noted - 1 The proposed LEP provision is not suitable for all temporary events and locations. As such Council has updated Wollongong DCP 2009 Chapter C6 Events Management where a Development Application is required.
	2 Planning temporary events requires, effort, time, and money and waisted with repeat applications.	2 The proposal is expected to reduce the number of applications required to hold a Temporary event on Council owned / managed land and roads and therefore reducing time and costs for event organisers.

Submitter	Submission	Response
	3 The proposal promotes cultural diversity.	3 Noted, it is considered that the proposal is consistent with State and Local initiatives to promote cultural events
Public submission 2	1 The exemption should be limited to 48 hours, which includes bump in and bump out; or 24 hours where a road closure is required.	1 A maximum time an event can occur has not been provided to afford Council and applicants flexibility when planning for an event. The bump-in / bump-out time required varies with the scale of the event.
	2 An exempt event requiring road closure should be limited to non-business hours.	2 Where road closures are proposed the event organiser will need to lodge a Traffic Management Plan.
	3 Approvals for Road closures fall under the Roads Act not the Environmental Planning and Assessment Act. When working within a road reserve a Section 68 approval is required.	3 Event organiser will still be required to gain approvals under the *Roads Act 1993* to hold an event within the road reserve.
	4 The Exemption should not extend to road reserves.	4 Currently certain Temporary Events can be carried out within the road reserve under Council's generic event DAs. The proposal will allow for great flexibility of locations. However, event organisers will still need to complete a Leasing and Licensing to hold an event within the road reserve.

Consultation was also conducted with relevant Council Divisions regarding the proposed amendment to Wollongong LEP 2009, Schedule 2 to include Temporary Events (Commercial and Community) as Exempt Development and the Wollongong DCP 2009 Chapter C6 Events Management, with the aim of incorporating improvements.

Attachment 1 illustrates the minor amendments recommended to the Wollongong LEP 2009, Schedule 2 Exempt Development.

Attachment 2 illustrates the minor amendments recommended to the Wollongong DCP 2009, Chapter C6: Events Management.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Goal 2 "We have an innovative and sustainable economy" and Goal 3 "Wollongong is a creative, vibrant city". It specifically delivers on the following -

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	**Service**
2.7 Promote the Wollongong Local Government Area as an event, conference and visitor destination	Engagement, Communication & Events
3.6 Enable signature events and festivals where communities and visitors can gather and celebrate	Cultural Services Engagement, Communications & Events

Wollongong Local Strategic Planning Statement 2020

The proposal generally aligns with the Local Strategic Planning Statement Vision and key actions – Council will continue to invest in community and recreational facilities, social infrastructure, the arts, and the public domain. This will create vibrant places and communities where residents and visitors want to gather for work, shopping or recreation, both during the day and the evening.

Council's Major Event Strategy 2021-2026

The Planning Proposal is consistent with the following actions -

- Enable efficient processes, response times and flexibility of policy.
- Council enact and further refine the events approval processes, including increasing the number of pre-approved major event sites offered.

Council's Planning Proposal Policy (2024)

The Planning Proposal is generally consistent with the Policy and will contribute to -

- Economic growth and promotes sustainable practices.
- Improving tourism opportunities.

Council's Leasing and Licencing Policy (2023)

The Planning Proposal is generally consistent with the objectives of the Leasing and Licencing Policy for Council owned land, Council managed road reserve and Crown Land and will contribute to -.

- Granting of leases or licences of Council owned or managed land whether these for strategic, commercial or community purposes.
- Management of Council's property portfolio to ensure compliance with any relevant legislation and the requirements of Council's Relevant Policies as amended by Council from time to time.

Plans of Management

Events will still need to be consistent with the activities permitted on the land through a Council or Crown Land Plan of Management.

SUSTAINABILITY IMPLICATIONS

The proposed amendment to Wollongong LEP 2009, Schedule 2 reduces the number of approvals that are required when organising an event on Council owned / managed land, including Crown Land and land within the road reserve where Council is the Road Authority. It is noted for an event to occur on Council owned / managed lands and roads, including Crown Land, event organisers will still be required to complete a Leasing and Licencing Agreement to use the land. The proposed amendment to Schedule 2 will not apply to events on privately owned land.

The revised Wollongong DCP Chapter C6 Events Management that Council resolved to exhibit included additional waste management and recycling controls. The Chapter previously contained limited information regarding waste management requirements for events. The exhibited Chapter incorporated specific waste and recycling provisions required for events. Waste servicing levels are dependent upon if alcohol is to be served and the expected number of event attendees. The number of bins required for an event reflects the waste servicing levels listed on Council's Event Planning webpage.

To further promote sustainable temporary events that are consistent with current legislation, the chapter has been updated to refer to the *Plastic Reduction and Circular Economy Act 2021* (NSW).

RISK MANAGEMENT

Council's Risk Team considered the Planning Proposal and the revised Wollongong DCP 2009 Chapter C6 Events Management and raised no concerns.

The Wollongong DCP 2009, Chapter C6 Events Management was updated to ensure all events are covered by a minimum $20 million Public Liability Insurance Policy. A Certificate of Currency is required to be submitted to Council 14 days prior to the date of commencement for the event.

If the event is held on Council owned or managed land and roads, that the applicant's insurance policy must include a provision indemnifying Council.

FINANCIAL IMPLICATIONS

The proposal to amend the Wollongong LEP 2009 to include Temporary Events (Commercial and Community) is the result of a Council Planning Proposal request. The Planning Proposal and the review of the Wollongong DCP 2009, Chapter C6 Events Management was undertaken using internal resources primarily from the Land Use Planning Team with the input of Council's Events Management Team and Development Assessment and Certification Division.

The proposed amendment, while Council's Planning Proposal, is associated with grant funding offered by the Transport for NSW. For Council to apply for the grant funding, it was required that Council identify means of making temporary events easier to hold. Council identified the current requirement to lodge a Development Application, was costly in terms of time, money and assessment and based upon other NSW Councils certain events could be permitted as Exempt Development. As part of the grant funding agreement Council is required to test the changes, by hosting an event and providing a report back to Transport for NSW

The Planning Proposal will not remove the need to obtain a leasing and licencing agreement when hosting an event on Council owned / managed land including Crown Land and land within the Road Reserve. As such, Council's Leasing and Licencing Agreement includes provision for bonds to be paid prior to the use of Council owned and or managed lands. Additionally, the Planning Proposal to amend the Wollongong LEP 2009 does not remove the need for Event organisers to have a current Public Liability Insurance Policy, or any other required insurance policies.

CONCLUSION

The Planning Proposal seeks to amend Wollongong LEP 2009, Schedule 2 Exempt Development to include Temporary Events (Commercial and Community) on Council land. The proposal will make the event planning process easier for event organisers when using Council owned and / or managed land, including Crown Land and land within the road reserve where Council is the Road Authority. Event organiser will still need to lodge a Development Application when planning an event on privately owned land.

A review of Wollongong DCP 2009 Chapter C6 Events Management has been conducted and identified the need for amendments in line with current Council policy, State Government guidelines and legislation.

This report recommends that Council resolve to finalise the amended Planning Proposal as an amendment to the Wollongong LEP 2009. This report also recommends that Council resolve to adopt the amended Wollongong DCP 2009 Chapter C6 Events Management.

For inclusion into ***Wollongong LEP 2009 Schedule 2 Exempt Development***

Temporary Events (Commercial and Community)

Temporary event *means the temporary use of land for the purpose of a function or event open to the public or a section of the public that is a ceremony, concert, cultural celebration, exhibition, fete, fair, festival, gathering, one off market sporting event or the like.*

1 *Must take place on land owned by the Council or for which Council has care, control and management (including Crown land), or a public road for which the Council is the roads authority under the Roads Act 1993.*

2 *Must be carried out in accordance with a Leasing and Licencing agreement granted by the Council.*

3 *Must be consistent with any applicable plan of management under the Local Government Act 1993 or Crown Lands Management Act 2016 for the land.*

4 *If located on bushfire prone or flood prone land, a risk assessment and emergency management plan must be prepared. For events located on bushfire prone land -*

(a) An assessment of the relevant parts of Section 8.3.8 Planning for Bush Fire Protection 2019 (or subsequent versions) prepared by a BPAD accredited consultant. The Plan must include, but not be limited to, the following:

(i) Consultation with the local NSW Rural Fire Service District Manager if any event is held during the Bush Fire Danger Period or on a Total Fire Ban or day of an elevated Fire Danger Rating.

5 *Must be accompanied by a risk assessment and emergency management plan if located on bush fire prone and / or flood prone land.*

(a) The Risk Assessment & Management Plan for events on bush fire prone land must include an assessment of the relevant parts of Section 8.3.8 Planning for Bush Fire Protection 2019 (or subsequent versions) prepared by a BPAD accredited consultant and approved by Council. The Plan must include, but not be limited to, the following:

(i) Consultation with the local NSW Rural Fire Service District Manager if any event is held during the Bush Fire Danger Period or on a Total Fire Ban or day of an elevated Fire Danger Rating.

6 *Must not include site excavations, or adversely impact upon native flora, fauna and their habitats, or result in ~~and / or~~ permanent physical change to the fabric of the location and / or structures where the use occurs.*

7 *Must not impact on the cultural significance of Heritage items and Sites of Aboriginal Cultural Significance.*

8 *Must not involve overnight camping or accommodation.*

Note: Other approval, authorities, licence or permits may be required under other legislation, including the Crown Lands Management Act 2016, the Heritage Act 1977, the Local Government Act 1993 and the Roads Act 1993.

Festivals include Music Festivals, which has the same meaning as in the Music Festivals Act (2019) NSW.



Part C – Specific Land Use Controls
Chapter C6: Events Management

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1. INTRODUCTION

1.1 This DCP Chapter

1.1.1 Purpose of this Chapter

The Wollongong Development Control Plan 2009 (Wollongong DCP) Chapter C6 Events Management outlines the objectives and controls for events. This chapter supports the objectives contained in the Wollongong Local Environmental Plan 2009 (Wollongong LEP).

1.1.2 Where this DCP Chapter Applies

This DCP chapter applies to all lands contained within the Wollongong Local Government Area (LGA) where events are permissible. The definition of temporary event is located within the DCP Dictionary.

Temporary Event: An event can either be private or community based and may be commercial or non-commercial in nature. They may be organised by any entity and can be ticketed or not ticketed.

Note: This chapter is not applicable to Development Applications seeking a regular use of an approved entertainment venue or space.

The controls in this chapter do not apply to any events that are exempt development under Schedule 2 of the Wollongong LEP.

1.1.3 Application of this Chapter

The determining authority will take the provisions of this chapter into consideration in determining all applications for temporary events within the Wollongong LGA. Development Applications must demonstrate conformity with the aims, objectives and controls of this and other relevant chapters of the Wollongong DCP 2009.

The aims of this chapter are to:

1) Communicate the expectation and requirements of development within the Wollongong LGA and build upon the Wollongong LEP 2009 by providing detailed objectives and controls for development.

2) Ensure development aligns with the direction and recommendations of the Wollongong Major Events Strategy 2021 - 2026.

3) Promote events that are sustainable, accessible and safe within the Wollongong LGA.

1.2 Other Relevant Legislation and Documents

Depending on the event being undertaken other Commonwealth and State legislation may apply. It is the responsibility of the event organiser to comply with applicable legislation and to obtain any relevant permits, licences and approvals.

Legislation relevant to temporary events may include but not be limited to:

- *Crown Lands Management Act 2016* (NSW) – Temporary Licence Application.
- *Food Act 2003* (NSW).
- *Heritage Act 1977* (NSW)
- *Liquor Act 2007* (NSW)
- *Local Government Act 1993* (NSW) – Activity Application.

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- *Music Festivals Act 2019* (NSW)
- *National Parks and Wildlife Act 1974* (NSW)
- *Protection of the Environment Operations Act 1997* (NSW).
- *Roads Act 1993* (NSW).
- *Work Health and Safety Act 2011* (NSW).
- *State Environmental Planning Policy (SEPP) Exempt and Complying Development Codes 2008*
- *Draft State Environmental Planning Policy (SEPP) Cultural*
- *Planning for Bush Fire Protection* (NSW RFS)

Note: Development consent for a temporary event does not negate the need to obtain all other necessary licences, permits and approvals required under other applicable state and federal legislation.

1.3 Event Categorisations

Council's adopted Major Events Strategy classifies events as being global, signature, major, regional and community. To provide greater clarity Council has further refined the event categories into the following tiers:

- Tier 1 – more than 10,000 total participants/attendees.
- Tier 2 – more than 5,000 less than 10,000 total participants/attendees.
- Tier 3 – more than 1,000 less than 5,000 total participants/attendees.
- Tier 4 – less than 1,000 total participants/attendees.

Note: Transport for NSW event classifications are referenced in this document and are based upon traffic impacts. Please refer to TfNSW event classifications where identified.

2. DEVELOPMENT CONTROLS

2.1 Event application and supporting documentation

2.1.1 Objectives

a) Ensure landowners' consent is obtained prior to the submission of any Development Application for a temporary event.

b) Ensure temporary events are generally consistent with the social values of the community and Wollongong City Council.

c) To minimise temporary adverse impacts upon adjoining land and/or the amenity of the neighbourhood.

d) To ensure temporary events and any supporting structures to the use will not adversely impact on the environmental attributes or features of the land or increase the risk of natural hazards that may affect the land.

e) To ensure temporary event sites are restored to the condition in which it was prior to the commencement of the use.

f) Have adequate plans/strategies in place that satisfactorily address:

i) Public safety, health, risk and security.

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ii) Access, traffic and parking.

iii) Bushfire and/or natural hazard strategies.

2.1.2 Controls

1) The Development Application must include written consent by each registered property owner if the subject site is privately owned land.

2) If Council is the owner/manager of the parcel of land and/or road on which a temporary event is proposed, then the consent of Council is required to be lodged with the application.

   Note: Council's consent to lodge a Development Application for a temporary event does not constitute Development Consent.

3) The Development Application and supporting documentation is to detail:

   i) A description of event to be held (i.e. festival, concert, fete).

   ii) Dates and times of the event, including opening and closing and daily schedules.

   iii) The expected number of audience/participants.

   iv) Ticketing and promotions.

   v) Any temporary structures.

   vi) Dates and times of set up/removal and hours of operations.

   vii) Details of music, amplifications or other potential noise emissions.

   viii) Alcohol licensing requirements.

   ix) Details of any fundraising licences that been approved.

   x) Details of any live or prerecorded music licences that have been approved.

   xi) Lighting and signage.

   xii) Details of food sold/served/provided including premises setup.

   xiii) Details of any ancillary market stalls (Note: Markets are a separately defined land use and require development consent, they cannot be a standalone event).

   xiv) Details of parking, including owner's consent if provided on adjoining land.

   xv) Details of amenities, i.e. water station(s), toilet and sewerage management.

   xvi) Details of waste management including general garbage and recycling disposal.

   xvii) Details of any matting used for accessible paths of travel to, from and within events.

   xviii) Power and water supply.

   xix) Details of any fireworks or pyrotechnic displays and associated licences.

   xx) Compliance with any Plan of Management if the event is to be held on Council owned or managed land.

4) Events are to be consistent with the *Disability Discrimination Act 1992* (Cth).

5) Events shall not to be inconsistent with the *Anti-Discrimination Act 1977* (NSW).

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2.2 Site Plan

2.2.1 Objectives

a) Ensure events of all sizes are appropriately planned for and key components and their locations are identifiable.

2.2.2 Controls

1) The Development Application should be accompanied by a Site Plan at 1:200 or 1:500 scale, depending upon the size of the subject site on which the event will take place. The Site Plan should include a range of matters associated with the event including (but not limited to) the following:

   i) Proposed entertainment stage layout and location.

   ii) Proposed location and direction of sound amplification equipment.

   iii) Proposed seating arrangement (e.g. whether within an indoor facility, large tent or outdoors).

   iv) Proposed lighting arrangement, lighting location and direction.

   v) Proposed electrical supplies and location of electricity cables.

   vi) Proposed location of backup generators.

   vii) Proposed location of any marquee or tent.

   viii) Proposed location of support and storage infrastructure and vehicles.

   ix) Proposed location and number of toilets and associated amenities.

   x) Proposed location of fire fighting equipment.

   xi) Proposed location of security, parking/traffic and other attendants associated with the event.

   xii) Proposed location of first aid and other emergency service areas for the event.

   xiii) Proposed emergency access arrangements within the site and through the local road network.

   xiv) Proposed vehicle and pedestrian access arrangement to/from the site, including proposed vehicle access arrangements to / from parking areas associated with the event.

   xv) Proposed routes through and around the event including continuous accessible paths of travel.

   xvi) Proposed location of food and drink stalls and other ancillary vendor stalls.

   xvii) Approved liquor sales and consumptions areas, including the location of any barriers used for separation.

   xviii) Proposed directional signage for both vehicles and pedestrians access throughout the site.

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2.3 Transport

2.3.1 Objectives

a) Ensure traffic management is appropriately planned for prior to holding an event.

b) Ensure the safe movement of people and vehicles involved with the temporary event.

c) Ensure adequate and safe parking and transport options for patrons of events.

d) Ensure the Wollongong Traffic Committee and relevant State Agencies are provided with sufficient information and time to consider the impacts of a proposed event and provide a determination.

e) Ensure major events are serviced by mass transport options.

2.3.2 Controls

1) Events classified by TfNSW, as either Class 1 or Class 2 events where the formal approval of the NSW Police Service, Council and/or Transport for NSW require a formal Transport Management Plan and any associated Traffic Control Plan to be lodged with the Development Application.

2) Any Transport Management Plan and Traffic Control Plan should be prepared by a suitably qualified and experienced Traffic Engineer who can certify that the proposal complies with the requirements of Australian Standard AS 1742.3.

3) The Transport Management Plan and associated Traffic Control Plan are to address the requirements of each agency. Applicants should refer to the most recent publication of “Guide to Traffic and Transport Management for Special Events” for guidance on how to prepare a Transport Management Plan and the various agency requirements to be addressed.

4) Transport Management Plans are to detail traffic management and parking arrangements associated with an event. The Transport Management Plan should also include proposed public transport initiatives to be provided for the specific event.

5) The Transport Management Plan should include information on emergency access and escape route provisions, dust suppression measures, and disabled access provisions.

6) Where a Traffic Control Plan is to be submitted in support of an application the following items are to be addressed:

   i) Details of traffic control devices.

   ii) Details of any traffic marshals.

   iii) Directional signage to be used.

   iv) Details of temporary barriers – including any vehicle barriers.

   v) Details of any proposed road closures.

   vi) The location of the above-mentioned supporting traffic infrastructure/road closures and details of how vehicles will be separated from pedestrians.

7) For major events, a shuttle bus service should be provided. The shuttle bus service should be run between the nearest railway station and public car park areas in proximity to the event site.

8) Suitable accessible parking should be provided for events at a rate of 1% on site parking and two designated accessible car spaces within 200 m of the event. Accessible parking should be connected to accessible paths of travel that are free of obstructions and stepped thresholds.

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9) Where it is not possible to provide accessible parking onsite, applicants are to provide information about the closest accessible parking options available.

10) Where an event is proposed to take place within the road reserve, the location and type of hostile vehicle barriers are to be shown on the site plan. Events that are not within the road reserve should also include hostile vehicle barriers where necessary.

Note: Where a temporary event requires the closure of a road or temporary car parking, the submission of a Transport Management Plan and Traffic Control Plan will be required. All applications that require a road closure or temporary car parking will be referred to Council's Local Advisory Traffic Committee and any relevant State Agencies.

2.4 Noise and noise monitoring

Noise is often a common concern of residents living in the vicinity of venues used for events. Excessive noise, especially at low frequencies, can have a significant impact upon the local amenity.

2.4.1 Objectives

a) Ensure noise is managed appropriately to limit adverse impacts upon local residents, neighbourhoods and surrounding natural environments.

2.4.2 Controls

1) A Noise Management Plan, which includes a Noise Impact Assessment Report is required to be submitted with any application where sound and/or vibrations are likely to impact upon the amenity of neighbouring residents and the environment. The noise impact assessment report is to be prepared by a practicing sound engineer/noise consultant who is a member of either the Australian Acoustical Society (AAS) or the Association of Australasian Acoustical Consultants (AAAC).

2) Events are not to produce "offensive noise". Offensive noise is defined by the NSW Environment Protection Authority and the *Protection of the Environment Operations Act* (NSW) 1997.

3) Event activities should not commence before 7 am. Amplified noise should not start before 8 am.

4) Amplified noise is to cease by 10 pm and all event activities to end, and all people to vacate the site by 11 pm, between Sunday to Thursday.

5) Amplified noise is to cease by 11 pm and all event activities to end, and all people to vacate the site by midnight, on Friday and Saturday.

6) Where an event is in proximity to a residential neighborhood, reduced hours of noise amplification and event times should be proposed to those above.

7) Exceptions to amplified noise times may be considered for New Years Eve and Australia Day. Any proposed exemption requires the submission of a variation statement justifying any amended times.

8) Sound amplification equipment used during the event shall be installed and maintained to minimise the noise impact on any residential premises or businesses.

9) For events that do not include amplified music but may include background music and the use of a microphone for the duration of the event, a public address system may be used providing the volume does not exceed background noise levels when measured at the site boundary. Such events do not require a noise impact assessment report.

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10) Noise from an event must not create a nuisance to other park/public space users of adjoining and nearby residents. This use of public address systems, megaphones or other sound producing devices must be restricted to so as not to cause offensive noise as defined by the Protection of the Environment Operations Act 1997 (NSW).

11) All sound systems and sound amplifiers must comply with the following:

    i) $L_{Aeq\ (5\ minutes)}$ of 96 dB(A) at the Front of House (FOH) at 25 metres from the stage/speakers

    ii) $L_{Aeq\ (5\ minutes)}$ of 65 dB(A) at nearest affected residential property boundary.

    These noise limits apply to the performance of the special event and any sound testing prior to the event. If the FOH distance changes, the following correction factors is listed in Table 1 apply:

Table 1: Noise Limits Front of House

Front of House Distance	Allowable $L_{Aeq\ (5\ minutes)}$ Sound Level
20 metres	98 dB(A)
25 metres	96 dB(A)
30 metres	95 dB(A)
35 metres	93 dB(A)

12) Where a Noise Management Plan has been submitted with the application for the event licence, independent sound monitoring must be carried out at the event and a post event noise monitoring report must be submitted to Council within 21 days after the event.

13) The noise monitoring report should include:

    i) Monitoring locations;

    ii) $L_{Aeq\ (5\ minutes)}$ noise loggers' data at (i) FOH and (ii) the nearest affected residential boundary for duration of the event. Note: The noise loggers used for monitoring should have a NATA calibration certificate; and

    iii) How any non-compliances were managed.

2.5 Waste Management

Waste generated from an event has the potential to impact upon the surrounding neighbourhoods and natural environments if not managed correctly. Waste management it therefore required for all events.

2.5.1 Objective

a) Ensure event waste is properly managed, and waste disposed of in a sustainable manner, while protecting the environment.

2.5.2 Controls

1) A Waste Management Plan is to be submitted with all event Development Applications and is to include details of:

    i) Waste service provider/contractor.

    ii) The location of waste stations and bins throughout an event. Note: Bins should be located

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near food and drink stalls, near toilets, in designated drinking and eating areas and public entrances and exits.

2) The schedule for emptying bins during and at the completion of an event.

Note: Bins should be collected during hours that will reduce noise impacts on neighbouring residents.

3) 240 litre bins are to be provided as per Table 2 and Table 3. The number of bins should be multiplied by the number of meal times.

Table 2: Number of bins required for events where alcohol is not licenced (per meal)

Event size	General waste bins	Recycling bins	Total bins
0 – 500	2	2	4
501 – 2,000	4	5	9
2,001 – 5,000	10	11	21
5,001 – 10,000	15	15	30
For every 5,000 people over 10,000	+10	+11	+21

Table 3: Number of bins required for events where alcohol is licenced (per meal)

Event size	General waste bins	Recycling bins	Total bins
0 – 500	2	3	5
501 – 2,000	4	7	11
2,001 – 5,000	10	13	23
5,001 – 10,000	15	18	33
For every 5,000 people over 10,000	+10	+13	+23

Currently the provisions of green bins for compostable waste are not a requirement for events. However, Council supports waste reduction and sustainability and will consider applications where green bins are proposed.

4) Events are to be consistent with the *Plastic Reduction and Circular Economy Act 2021* (NSW), which bans certain single use plastics.

2.6 Toilet Facilities

Toilet facilities are important for the comfort of attendees. Additionally, providing sufficient volumes of toilet facilities will reduce the likelihood of adverse environmental impacts.

2.6.1 Objective

a) Ensure sufficient, clean toilet facilities, including accessible toilet facilities, are provided for the duration of an event for attendees and staff.

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2.6.2 Controls

1) Table 4 and Table 5 below set out the minimum number of toilet facilities to be provided in support of an event.

Table 4: Non-liquor licenced event

Event size	Female WC	Male WC	Male Urinals	Accessible Toilet
0 – 500	2 (or one per 250)	1	2	1
501 – 1,000	5 (or one per 250)	2	3	1
1,001 – 2,000	10	3	5	1
2,001 – 3,000	12	4	8	2
3,001 – 5,000	20	7	14	3
For every 2000 people over 5,000	2	1	2	1

Table 5: Liquor licenced events

Event size	Female WC	Male WC	Male Urinals	Accessible Toilet
0 – 500	5 (or one per 100)	2	5	1
501 – 1,000	10 (or one per 100)	4	10	1
1,001 – 2,000	20	7	15	1
2,001 – 3,000	25	9	20	2
3,001 – 5,000	30	12	24	3
For every 2000 people over 5,000	5	3	4	1

2) Toilets must be provided with handbasins, soap, running water and paper towels.

3) Council may consider a variation to the minimum number of male and female toilet facilities where the duration of the event is less than 2 hours. A variation request to the provision of toilet facilities must be supported by appropriate documentary evidence outlining the justification.

4) Any toilet facilities already existing on the site, that are to be included for use at an event, are to be detailed and shown on the submitted site plan.

5) Toilets are to be accessible to participants/attendees for the duration of the event.

6) Accessible paths of travel are to be provided to accessible toilets.

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7) The installation and removal of any temporary toilets is to occur within the hours of bump in and out.

2.7 Event Signage

A range of signage is typically employed to inform attendees and the public of events. While informative, signage can be a safety hazard or cause confusion if incorrectly located or managed. Therefore, it is important event related signage be located appropriately with clear messaging related to the timings on an event.

2.7.1 Objectives

a) To ensure event signage is appropriately located so as not to hinder vehicles and pedestrians.

2.7.2 Controls

1) Signage is erected and removed in a timely manner to avoid causing confusion.

2) An example of the signage to be used in support of an event is to be provided to Council.

3) Advertising signage associated with the event may be displayed at the site provided that it complies with the following requirements.

   i) All signage to meet the criteria for exempt development specified in the Environmental Planning Instrument; or,

   ii) All signage is to:

      a. Display only the names of the event and sponsors and does not include advertising of a commercial nature.

      b. The location of event parking areas.

      c. Information relating to public transport options.

      d. Is to be safely secured and does not obstruct a public road, footpath or cycleway.

      e. Is to be displayed for a period of not more than 28 days before an event and 7 days after an event.

3. ADDITIONAL SUPPORTING ~~DOCUMENT~~ CONTROLS

3.1 Risk Management

3.1.1 Objective

a) To ensure that potential risks relating to events are identified and adequately mitigated.

3.1.2 Control

1) A risk assessment is to be submitted in support of the Development Application. The risk assessment is to include the following details:

   i) Event summary – name, type, date(s), event contact, anticipated event attendees, event crowd profile and demographics, licensing details, door/gate open and close times, security communications and identification.

   ii) Organising and staffing – event organisational structure, event contact details, event roles,

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responsibilities, authority and accountability, contractors used on event site, qualifications and competencies of staff and contractors and event specific training.

iii) Event specific structure, plant/machinery/equipment.

iv) Details of construction and notifications to be undertaken.

v) Risk management provisions – risk assessment and mitigation, event inspections and/or audits, recording and reporting.

vi) Risk control plan.

3.2 Emergency procedures and site evacuation plan

3.2.1 Objective

a) To ensure reasonable provisions are made to cater for emergency situations that may affect and event.

3.2.2 Controls

1) An Emergency Management Plan is to be submitted in support of the Development Application. The Emergency Management Plan should include the following details:

i) The procedures that need to be implemented in the case of an emergency at the event.

ii) The processes for reporting of injuries and/or incidents that may occur on the site, during the event.

iii) Contact details of both the event organiser and the onsite organiser responsible for decision making.

iv) The chain of command identifying which staff member is responsible for various components of the event.

v) Location of the main emergency response area.

vi) Proposed means of access for all emergency vehicles, which includes a permanent access location/point.

vii) Proposed evacuation procedures.

viii) Proposed security management and procedures plan, which includes the evacuation of people with disability.

ix) Proposed crowd management procedures.

2) A risk assessment and emergency management plan are required if an event is located on bush fire prone land, and should include the following details:

i) The Risk Assessment and Emergency Management Plan for events on bush fire prone land must include an assessment of the relevant parts of Planning for Bush Fire Protection 2019 (or subsequent version) prepared by a BPAD accredited consultant and approved by Council. The Plan must include, but not be limited to, the following:

a) Consultation with the local RFS District Manager if any event is held during the Bush Fire Danager Period or on a Total Fire Ban or day of an elevated Fire Danger Rating.

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3.3 Security and crowd management

3.3.1 Objective

a) Ensure the safety of event staff and attendees through effective security and crowd management provisions.

3.3.2 Control

1) A Security Management Plan is to be developed with the main security provider in order to clarify the roles and responsibilities of security staff and other staff in attendance at the event.

2) The type of event and capacity of the venue should determine the number of security staff required to undertake security and crowd management functions.

3) All security personnel must hold the appropriate level of qualification.

4) Security personnel are to be employed for the duration of the event and until all patrons have left the event.

3.4 Public Liability Insurance

3.4.1 Objective

a) Ensure adequate public liability insurance coverage is held by the applicant for the staging of an event.

3.4.2 Controls

1) It is the responsibility of the event organiser to seek their own legal advice as to what insurance is required for their event.

2) Public Liability Insurance with a minimum value of $20 million is required for all events.

3) If the event is held on Council owned or managed land and roads, the applicant's insurance policy must include a provision indemnifying Council.

4) A Certificate of Currency is required to be submitted to Council 14 days in advance of the date of commencement of the event. A receipt for payment of an insurance premium is not accepted.

5) Note: The event will not be permitted to commence on any Council property without the public liability insurance policy (Certificate of Currency) being in place.

6) Other insurance coverage may be necessary for an event, and may include, but not be limited to:

   i) Public Liability Insurance of any sub-contractor.

   ii) Volunteer's insurance.

   iii) Workers' compensation.

   iv) Professional indemnity insurance.

3.5 Amusement Devices and Temporary Structures

3.5.1 Objective

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a) Ensure amusement devices and temporary structure are safely located within an event.

b) Ensure additional approvals and licencing requirements associated with amusement devices are identified.

3.5.2 Controls

1) If the event includes amusement devices, a separate approval under the Local Government Act 1993 is required.

2) The submitted site plan should locate where amusement devices and temporary structures will be located.

3) Details of any access control devices (i.e. gates, fencing, barriers) and their location are to be included, and their location shown on the submitted site plan.

3.6 Food Stalls and Market Stalls

3.6.1 Objective

a) Ensure food outlets that are ancillary to events are licenced and comply with the safe food handling requirements in Council's codes, policies and guidelines, in addition to any other relevant legislation.

3.6.2 Controls

1) Temporary food outlets must comply with Council's –

   i) Food Premises Code;

   ii) Guidelines for Food Handling at Temporary Events;

   iii) Mobile Food Vending Policy, as applicable.

   Note: All food handling outlets are to be established and available for inspection by Council, 24 hours prior to the event. Council's fees and charges outlines the cost for inspection.

2) All outlets that sell food and/or merchandise require a trading licence from Council.

3) All food outlets operating at an event are to appropriately registered with Council.

3.7 Fireworks

3.7.1 Objective

a) Ensure fireworks and pyrotechnic displays are carried out by licenced person/operator.

b) Ensure firework and pyrotechnic displays are for the purposes of an event open to the public.

3.7.2 Controls

1) Fireworks or pyrotechnic displays can only be held if a Fireworks (single use) Licence has been issued, or operator of the fireworks display holds an appropriate Pyrotechnic Licence.

2) An authorised display by a licenced pyrotechnician may only be held where a "Legitimate reason" is demonstrated, such as:

   i) Organised public displays such as a community event, which is open to the public

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(whether or not for a fee) and is run by Council, community or private organisation. Types of community events include shows, fetes, carnivals, and other cultural, religious or sporting events.

ii) Theatrical displays such as film and television special effects, indoor or outdoor theatrical events such as concerts and performing arts special effects.

iii) Technical fireworks used for industrial or agricultural processes.

3) Fireworks cannot be used for private functions.

4) Any fireworks display upon land owned or controlled by Council will require separate approval of Council, prior to the event.

4. ADDITIONAL RESOURCES

- Australian National Security – Hostile Vehicle Guidelines for Crowded Places.
- Australian Standard AS1428 Design for access and mobility.
- Australian Standard AS4360 Risk Management.
- *Disability Discrimination Act 1992* (Cth).
- Handbook HB 167:2006 Security Risk Management.
- Internation Standards ISO 31000 Risk Management – Principles and guidelines.
- NSW Environmental Protection Authority: Noise guide for local government.
- NSW Government: Event Starter Guide for organising public and outdoor events.
- NSW Government: Guide to Traffic and Transport Management for Special Events.
- NSW Police – Hostile Vehicle Mitigation Guidelines for Hallmark/Iconic Major Events.
- Planning for Bush Fire Protection (NSW Rural Fire Service)
- Wollongong City Council: Organise an Event webpage.

Document Set ID: 26122530
Version: 16, Version Date: 17/06/2025

ITEM 6 POST EXHIBITION - WOLLONGONG CITY FORESHORE PLAN OF MANAGEMENT

On 11 December 2023, Council resolved to seek approval from the Department of Planning, Housing and Infrastructure – Crown Lands to exhibit the draft Wollongong City Foreshore Plan of Management for public comment. In October 2024, Council received approval for the exhibition of the draft PoM which occurred from 17 December 2024 to 26 February 2025 resulting in 33 submissions being received.

The draft PoM sets out the framework for consideration of potential uses, development (including related potential leases or licences) as required under the *Crown Land Management Act 2016* for Crown community land and *Local Government Act 1993* for Council community land. Decisions specific to the use, development and management of each Crown reserve or Council owned Community Land Area, while needing to be consistent with the PoM, are progressed through separate processes.

Following consideration of the submissions received, it is recommended that Council endorse an amended draft PoM (Attachment 6) and seek the Minister's consent to adopt the amended PoM under the *Crown Land Management Regulation 2018.*

RECOMMENDATION

1 Council endorse the updated draft Wollongong City Foreshore Plan of Management (Attachment 6) incorporating the following amendments -

   a Update references to Council Policies, Supporting Documents, Council projects, legislation, Departmental names and PoM development process as applicable and to correct typographical errors.

   b Include additional maps -

      i A "PoM Area Land Types" map series to show the relationship of the Crown reserves and the Council owned community land areas within the PoM area as a whole.

      ii A "North Beach Precinct and Belmore Basin Heritage Conservation Area" map showing the curtilage for this conservation area that is listed under the 2009 Wollongong Local Environmental Plan.

   c Restructure and update Section *2 PoM Information Schedules* as follows -

      i Add two tables and re-sequence the order of the PoM Information Schedules as required and include relevant explanatory text -

         - Table 3a *Order of PoM Information Schedules (North to South)*.
         - Table 3b *PoM Information Schedule Types: Crown Reserve / Council Owned Land Area.*

      ii Incorporate the exhibited draft Lang Park Crown Reserve Number 580097 Information Schedule into the Wollongong City Foreshore Plan of Management subject to Ministerial appointment of Council as the Crown Land Manager for reserve 580097.

         - Council acknowledges that Crown reserve 580097 is currently a devolved Crown reserve and requests appointment under the Crown Land Management Act 2016 to enable Council's management of the reserve through the Wollongong City Foreshore Plan of Management (Attachment 6).

      iii Update the Osborne Park Council Owned Community Land Area PoM Information Schedule to include more heritage / conservation area information.

2 The updated draft Wollongong City Foreshore Plan of Management (Attachment 6), be referred to the Department of Planning, Housing and Infrastructure – Crown Lands as a delegate for the Minister to obtain consent to adopt the amended Plan of Management under clause 70B of the *Crown Land Management Regulation 2018.*

3 If consent to adopt the Wollongong City Foreshore Plan of Management is granted by Crown Lands, the General Manager be delegated authority to adopt the Wollongong City Foreshore Plan of Management as approved under clause 70B of the Crown *Land Management Regulation 2018*

pursuant to section 40 of the *Local Government Act 1993* in accordance with section 3.23(6) of the *Crown Land Management Act 2016*.

4 Once adopted, a copy of the adopted Plan of Management be forwarded to the Department of Planning, Housing, and Infrastructure – Crown Lands.

5 Council notes the following reasons, in accordance clause 114 of the *Local Government (General) Regulation 2021*, that the amended Wollongong City Foreshore PoM does not include any changes to community land categories after consideration of the following requests from a community member -

a Categorise the Kiosk within Brighton Lawn (Crown Reserve 40908) as Park instead of General Community Use. *Reason: Crown Lands required the General Community Use category.*

b Include the categories of Natural Area Wetlands and Natural Area Bushland to Stuart Park (Crown Reserve 580076) in addition to the existing categories of Park, General Community Use and Natural Area Foreshore. *Reason: Crown Lands did not require application of either of these community land categories for Stuart Park. Leasing and licencing Natural Areas is limited under the Local Government Act 1993 and would not recognise the existing Live Steamers use.*

c Include the community land category of Park to Council owned Community Land Area Osborne Park in addition to the existing category of Area of Cultural Significance. *Reason: The application of the Cultural Significance category to all of Osborne Park is appropriate and is not a "new" category applied by this updated draft Plan of Management.*

6 The Department of Planning, Housing, and Infrastructure – Crown Lands be requested to appoint Council as the Crown Land Manager for Lot 7025 DP 1070037 and Lot 107 DP 751299 within Lang Park which currently form devolved Crown reserve Number 580097.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy
Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

1 Location Plan
2 Additional Matter - Devolved Crown Reserve at Lang Park - Location Plan
3 Summary of Submissions
4 Summary of issues raised in submissions
5 Public Meeting Report
6 Revised Draft Wollongong City Foreshore Plan of Management

ACRONYMS USED IN REPORT

Abbreviation	Meaning
ALR Act	Aboriginal Land Rights Act 1983
CLM Act	Crown Land Management Act 2016
DPHI	NSW Department of Planning, Housing and Infrastructure
EP&A Act	Environmental Planning and Assessment Act 1979
LEP	Wollongong Local Environmental Plan 2009
LG Act	Local Government Act 1993
LGA	Local Government Area
NSW Crown Lands	NSW Department of Planning, Housing and Infrastructure – Crown Lands
NT Act	Native Title Act 1993 (Federal legislation)
PoM	Plan of Management
SEPP	State Environmental Planning Policy

BACKGROUND

Location – Precinct approach

The draft Wollongong City Foreshore PoM takes a precinct-based approach as the City foreshore includes a mix of Crown land and Council owned Community land areas located between Stuart Park / JP Galvin Park in the north to Coniston Beach, Swan Street in the south (Attachment 1). Use of the precinct approach ensures that the various parks and Crown land are not considered in isolation, as they collectively form part of our vibrant and connected foreshore.

The Crown land addressed under the PoM includes multiple Crown reserves that cover Stuart Park, North Beach, Flagstaff Hill, Belmore Basin / Brighton Lawn, City Beach, Battery Park, Lang Park and Andrew Lysaght Rest Park.

The Council owned Community land areas under the PoM include the southern verge along George Hanley Drive, part of Flagstaff Hill, Osborne Park, the Old Court House, part of Lang Park and the former Quilkey Place that now forms part of a foreshore carpark and part of the cycleway south of the corner of Crown Street and Marine Drive.

The draft PoM does not apply to parts of Belmore Basin / Wollongong Harbour managed by Transport for NSW, or the Wollongong Lighthouse which is Commonwealth land.

In the northwest corner of Lang Park, there is a devolved Crown reserve. The exhibited draft PoM documents included a draft Lang Park Crown Reserve (580097) PoM Information Schedule as an additional matter (Attachment 2) to enable community feedback should Council resolve to become the Crown Land Manager for this additional part of Lang Park and seek to include the Crown reserve into the amended Wollongong City Foreshore PoM (Attachment 6).

Plan of Management

A PoM guides the management, development, and the use of community land by applying community land categories (defined under the LG Act) to the land and by nominating possible permissible uses and developments. A PoM also enables Council to consider granting short term casual bookings or longer-term licences or leases for PoM permissible uses, activities and developments, subject to legislative compliance and consistent with Council's polices, supporting documents and adopted Community Strategic Plan.

The classification and categorisation of Council and Crown land, and the preparation of a PoM for community land is an additional requirement that does not apply to privately owned land. Any development proposals on community land (like privately owned land) need to be permissible through the land zoning land use table of the Wollongong LEP 2009, or through a State Environmental Planning Policy.

Being permissible under a PoM, does not commit Council to any development or investment in a particular Crown reserve or Council owned community land area, but it enables consideration of the identified possible uses and developments subject to relevant processes. A PoM is not intended to pre-empt future considerations of Council in relation of allocation of resources.

Types of Community Land – Council owned and Crown Community Land

The LG Act requires all Council owned land to be classified as either Community Land or Operational Land.

The CLM Act requires all Crown Reserves where Council is the appointed Crown Land Manager to be classified as either Community Land or Operational Land, consistent with the LG Act.

Both pieces of legislation require the preparation of a PoM for Community Land.

Devolved Crown Reserves

A PoM is not required for Devolved Crown Reserves under the CLM Act. Devolved Crown reserves are required to be maintained by Council, but Council cannot issue tenures over devolved Crown reserves.

The small northwest corner of Lang Park (Lot 7025 DP 1070037 and Lot 107 DP 751299) is devolved Crown Reserve (580097). There is no obvious boundary or differences between Crown Reserve Lang

Park Foreshore (580076) where Council is the Crown Land Manager and the devolved Lang Park Crown Reserve (580097).

Council has no ability to issue leases or licences on a devolved Crown Reserve under the CLM Act. Separate approval is required from NSW Crown Lands for use of this area of the reserve. This report recommends that Council be appointed as the Crown Land Manager for Lang Park Crown Reserve (580097) to remove the inconsistent management approach and reduce administrative red tape.

Community Land Categories – Plan of Management Legislative Requirements

A legislative requirement for a PoM is to "categorise" the community land into appropriate "community land categories" (or subcategories) to guide the management of the community land. The community land categories (and subcategories) are defined by the LG Act. Each community land category and subcategory has set legislative core objectives to guide the management of the land and inform uses, development and leasing and licencing activities included in the PoM.

Community land categories under the LG Act are -

- Park
- Sportsground
- General Community Use
- Natural Area with subcategories of foreshore, wetland, bushland, watercourse and escarpment
- Area of Cultural Significance

A PoM includes maps to show -

- Which community land categories (from the list above) have been applied.
- Where each category (or subcategory) has been applied.

Additional requirements for Crown Community Land under a PoM

Crown Community land is identified by NSW Government gazettal. A gazettal includes information that describes a specific area of Crown land or Crown reserve. The gazettal includes a Crown reserve name, a Crown reserve number and includes the reserve's public purpose or purposes. Often a gazettal for a Crown reserve designates a Crown Land Manager under the CLM Act 2016 or under a previous Act governing the use of Crown land such as the *Crown Land Act 1989*.

Under the CLM Act use of a Crown reserve is to be consistent with or ancillary to the Crown reserve purpose or purposes or otherwise consistent with a short-term casual purpose in accordance with Clause 31 of *Crown Land Management Regulation 2018*.

Draft Wollongong City Foreshore PoM

In 2008 Council adopted the Wollongong City Foreshore PoM which replaced older Plans of Management. The 2008 PoM was prepared under the LG Act and the now repealed *Crown Lands Act 1989* in consultation with the (then) NSW Crown Lands. The adopted 2008 PoM was forwarded to NSW Crown Lands who chose not to adopt the document due to a change in procedures for the management of Crown Land. On 27 April 2017, Ministerial advice received confirmed the status of the 2008 PoM as the current plan governing the Crown foreshore reserves.

The CLM Act came into force on 1 July 2018. If Council is the appointed Crown Land Manager for a Crown reserve that has been classified as community land, then a PoM is required.

Council has been working through a program to prepare PoMs for all 51 Crown Reserves as required under the CLM Act. PoMs have been adopted for Stanwell Park Reserve, Helensburgh Park (2 reserves) and 32 Crown Reserves. A draft PoM for Hill 60 Port Kembla has been endorsed by Council and approved by NSW Crown Lands for exhibition.

In regard to the City foreshore, on 11 December 2023 Council considered a report on the draft Wollongong City Foreshore PoM and resolved -

1 *The draft Wollongong City Foreshore Plan of Management be referred to the NSW Department of Planning and Environment (now known as Department of Planning, Housing and Infrastructure) –*

Crown Lands –

a *As the landowner, as required by section 39 of the Local Government Act 1993;*

b *For Ministerial consent to exhibit the draft Plan of Management as required by clause 70B of the Crown Land Management Regulation 2018; and*

2 *Following the receipt of approval by the DPHI – Crown Lands as landowner and the Minister's consent, the draft Wollongong City Foreshore Plan of Management be exhibited for a minimum period of 42 days.*

3 *A further report be submitted to Council on the community feedback received following the exhibition period.*

4 *Council officers discuss with DPHI - Crown Lands the option, process and any implications of Council becoming the Crown Land Manager for the devolved reserve within Lang Park, to reduce the management complexity.*

In accordance with the resolution, Council officers referred the draft PoM to NSW Crown Lands as the landowner of the Crown reserves and sought Ministerial consent to exhibit the draft PoM. On 11 January 2024, NSW Crown Lands acknowledged receipt of the draft Wollongong City Foreshore PoM.

Crown Lands Review

Crown Lands review of the draft PoM occurred from January to October 2024, with approval to exhibit granted through correspondence of 25 September and 16 October 2024.

To obtain NSW Crown Lands approval to proceed to public exhibition, the following amendments were required -

- Providing additional information on Council's future Coastal Management Program, Council's existing Coastal Zone Management Plan and the *Coastal Management Act 2016*.
- Changes in Crown community land categories increasing the area categorised as Park under the draft PoM.
- The exclusion of the more intensive use of restaurant in any future redevelopment / upgrading of the Continental Pool to better cater for swimming activities.

The draft PoM approved by NSW Crown Lands for exhibition permits implementation of remaining Blue Mile Master Plan elements or implementing any future Council endorsed Master Plan in relation to the Continental Pool provided a restaurant is not considered. It would be possible to consider a café. The 2007 Blue Mile Master Plan permitted a restaurant or café as part of a redevelopment to improve the facilities at the Continental for swimmers and aquatic exercise/recreational activities but was not actioned by Council.

No other changes to the draft PoM in terms of permissible uses, developments, and activities were required by NSW Crown Lands under their comprehensive review process. Skydiving remains permissible as a commercial recreational activity under the PoM as reported to Council on 11 December 2023.

Exhibition of draft Wollongong City Foreshore Plan of Management

The exhibition and comment period for the draft PoM extended beyond the legislative requirement of 42 days from 17 December 2024 to 26 February 2025. The exhibition process resulted in 33 submissions containing a broad range of viewpoints, requests and observations on the exhibited documents.

The Consultation and Communication section of this report describes the steps taken to obtain the community's views on the draft PoM documents. The Proposal section of this report addresses how the broad range of community feedback was considered.

PROPOSAL

This report details the results of the public exhibition and comment period for the draft Wollongong City Foreshore PoM (including the additional matter of the draft Lang Park Devolved Crown Reserve PoM Information Schedule). It is proposed to amend the exhibited draft PoM in accordance with the report recommendations in consideration of community's feedback on the draft PoM documents.

The exhibition and comment results are described below -

Exhibition Period	17 December 2024 – 26 February 2025
Exhibition Webpage Involvement	2,384 pageviews exhibition of draft PoM 578 documents downloaded 16 online surveys completed
Crown St Markets Council Information Stall	80 individuals visited the Council Stall held on 31 January 2025
Public Meeting	8 individuals attended the meeting held on 13 February 2025 The meeting was independently facilitated with the facilitator providing a report identifying the issues raised by the attendees (Attachment 5). Participating in a public meeting can be a way of providing a verbal submission and may reflect views not provided as a written submission. Five of the eight attendees provided a written submission. Two attendees spoke of matters raised in another's written submission. One attendee did not express a view on the PoM documents during the meeting.

In response to the exhibition, Council received 33 submissions, made up of -

- 16 on-line submissions.
- Three survey forms completed at the Council Information Stall.
- 14 emails / letters, from seven organisations and seven individuals. Two of the individuals made multiple submissions.

The organisations included -

- St Mary's Star of the Sea College.
- Destination Wollongong.
- Neighbourhood Forum 5 (two submissions).
- Wollongong Golf Club.
- National Trust of Australia (NSW) Illawarra Shoalhaven Branch.
- Rotary Club of Wollongong.
- Five Islands Outrigger Canoe Club.

The range of issues raised are detailed further in both the Summary of Submissions Table (Attachments 3 and 4) and Public Meeting Report (Attachment 5).

The Summary of Submissions Table includes 93 comments on the draft PoM or the foreshore area containing -

- 53 requests for something more or new along the foreshore.
- 12 requests for prohibitions in the PoM.
- Three requests for no changes within a particular PoM area.

The key themes arising from submissions received and views expressed in the public meeting include -

- Support of Council's management of the foreshore through the PoM.
- Balance between commercial activities and public access along the foreshore.
- Parking challenges.
- Heritage and environmental protection.
- Clarity on PoM including Structure, Role, Future Commitments.

Support of Council's management of the foreshore through the PoM

General discussion with the community during the 31 January 2025 Friday Street Markets Information Stall was positive of Council's management of the City foreshore. Seven submissions (three organisations and four individuals) expressed support of the PoM, including -

- Destination Wollongong appreciated the flexibility of the PoM.
- St Mary's Star of the Sea College commented that the PoM was "*a very comprehensive document*".
- The National Trust of Australia (NSW) Illawarra Shoalhaven Branch were in *"general agreement"* with the PoM, offering housekeeping comments and noting "*the Trust looks forward to the opportunity to investigate and consider conservation methods and adaptive re-use (if appropriate) to better manage the Flagstaff Hill Fort Installations*".

Balance between commercial activities and public access along the foreshore

This theme captures both ends of a spectrum in relation to views on Council's management of the City Foreshore through the PoM. Some comments reflected a desire for more commercial activation of the foreshore, while Neighbourhood Forum 5 and five individuals presented strong and long-standing opposition to the existing skydiving operations within Stuart Park in submissions and discussion during the public meeting. These submissions include commentary about the legality and probity associated with the skydiving operations, however Council is satisfied that the use and associated tenure arrangement are consistent with relevant legislation and other requirements.

A few other submissions extended that view to opposing any commercialisation in any future considerations for Lang Park. Four individuals wanted Council to work with State Government or otherwise progress a commercial led revitalisation of Wollongong Harbour even while acknowledging that the Harbour was not under Council control or in the PoM area.

The Wollongong City Foreshore PoM sets out the framework for consideration of potential uses, development (including related potential leases or licences) as required under the CLM Act for Crown community land and LG Act for Council community land.

Decisions specific to the use, development and management of each Crown reserve or Council owned Community Land Area, while needing to be consistent with the PoM, are progressed through separate processes. Being permissible under the PoM, does not commit Council to any development or investment in a particular Crown reserve or Council owned land area, but enables consideration by Council. This PoM is not intended to pre-empt future considerations of Council in relation to allocation of resources.

There are no proposed changes to PoM permissible uses, developments or leases / licences from exhibited in relation to balancing commercial activities and public access along the foreshore.

Parking challenges

Parking along Cliff Road, while outside of the PoM area, did receive comment by two individuals requesting timed parking along the entire length of Cliff Road. Neighbourhood Forum 5 and two other individuals requested consideration of timed parking within the PoM area including a discount provision for residents and ratepayers. While one individual stated, "*keep parking free all along the foreshore*". Regulation of parking within the PoM area is an operational matter outside of the scope of the PoM.

There are no proposed changes to the PoM in relation to parking. Changes or development of Policies / Strategies related to parking would be subject to separate processes of Council.

Heritage and Environmental Protection

The PoM area contains two State Heritage listed Heritage Conservation Areas and numerous individual heritage items.

The Heritage listed Picnic Shelters in Lang Park were discussed in the public meeting and in separate submissions, acknowledging their significance while wanting improvements like raising the roof lines as has occurred with the shelters in Stuart Park. Another idea proposed was to consider installing CCTV cameras to curb witnessed antisocial behaviour. Improvements to the Heritage Listed Picnic Shelters could be considered as part of the future Lang Park Master Plan process or through the annual review of Council's Delivery Program and Budget.

The draft PoM proposes to permit the implementation of any Council endorsed Master Plan and permits development consistent with a Crown reserve purpose more generally. Improving the heritage listed picnic shelters in Lang Park is consistent with a Crown reserve with a public recreation purpose. The benefit of inclusion of updating the Heritage listed Picnic Shelters in a future Lang Park Master Plan may enable Council to obtain grant funding for such improvements and not bear the entire project costs as it would if the improvements were taken before a Lang Park Master Plan was developed.

Six individuals requested Council consider planting native flora species instead of introduced species to enable environmental gains as explained by one supporter -

"Native plants are uniquely adapted to our climate and soil conditions, which reduces the need for excessive watering, fertilisation, and pest control. They support local biodiversity by providing habitat and food for native birds, insects, and other wildlife, many of which have co-evolved with these plants. Additionally, native flora can help combat erosion along coastal areas and promote healthier soil structures through their deep, resilient root systems. Furthermore, using native plants enhances the identity and natural beauty of the region by showcasing the unique ecology of the Illawarra".

The PoM permits Natural Area management across all land under this PoM, noting -

"*Natural area management activities under this PoM can be -*

- *By Council staff, volunteers or contractors to establish, protect, enhance and maintain vegetation communities.*
    - *Works such as, but not limited to -*
        - *Primary and secondary weeding, including chemical and manual removal of weeds.*
        - *Revegetation activities – planting of seed and tube stock.*
        - *Tree protection measures– stakes, guards, mulching and watering of newly planted vegetation.*
        - *Approved Council Volunteer and Education Projects such as, but not limited to Bushcare, Dunecare and Fiready activities"*

In relation to the heritage and environmental protection matters above, no changes are proposed to the draft PoM as exhibited. It is proposed to add the "North Beach Precinct and Belmore Basin Heritage Conservation Area" map showing the curtilage area for this conservation area that is listed under the Wollongong LEP 2009 as per the recommendation in this report. Other updates / corrections to heritage mapping / heritage projects have also been included as a result of feedback as provided in the Summary of Submissions (Attachment 3) and shown in the proposed amended PoM (Attachment 6).

Clarity on PoM: Structure, Role, Future Commitments

There was some feedback that the PoM was too long while still lacking detail on permissible uses, permissible developments, tenures and commitments for change / or retention of existing features of the foreshore. These comments are included in the Summary of Submissions Table (Attachment 4) and are also reflected in the public meeting report (Attachment 5).

In response to the issue of improved clarity around structure and role, it is proposed to amend the PoM as described in the report recommendation and shown in Attachment 6. This includes -

- Restructuring and updating Section 2 *PoM Information Schedules* by adding -
    - Table 3a *Order of PoM Information Schedules (North to South)*.
    - Table 3b *PoM Information Schedules Types: Crown Reserve / Council Owned Land Area.*

In response to the lack of detail on future commitments -

- The PoM meets requirements of the LG Act and the CLM Act, and it is not the role of the PoM to pre-empt future decisions of Council in relation to the allocation of resources.
- Being permissible under the PoM, does not commit Council to any development or investment in a particular Crown reserve or Council owned land area, but enables consideration by Council (through separate processes) of PoM permissible uses, developments and activities into the future.

- St Mary's Star of the Sea College requested a commitment to retain the current use of Lang Park by students.
- The PoM Information schedule for the Council Owned Community Land in Lang Park includes the current holding over licence. Issuing a future license for recreational use of Lang Park St Mary's students is permissible under the PoM.
- The Wollongong Golf Club has requested more clarity and commitment to Council granting a lease to the Club for the golf course links that occupy a part of Crown Reserve 580076 being Lang Park Foreshore Reserve. Further details on the Club's submission are in the Submissions Summary Table (Attachments 3 and 4).

  The PoM permits the granting of a lease or a licence over the area that is categorised as sportsground (the area that is already developed as golf links) to the Wollongong Golf Club.

  The PoM does, however, acknowledge that a lease is only permissible under the PoM if it complies with the provisions of the *Native Title Act 1993* and complies with the *Aboriginal Land Rights Act 1983*.

  The limitations on the management of Crown land imposed by the CLM Act are noted in the PoM at Sections 1.4.1 *Restrictions on management of Crown land* and Section 2I *Statements that apply only to the Crown Reserve Information Schedules.* These limitations shape all permissible uses, developments and activities (and any related potential tenures) under this PoM for every Crown reserve.

No further amendments to the draft PoM are proposed in relation to the future commitments issue above.

Devolved Crown Land at Lang Park – consideration to become Crown Land Manager

Council officers contacted NSW Crown Lands – Nowra Office regarding the option, process and implications of becoming the Crown Land Manager for Lang Park Crown Reserve Number 580097 in accordance with Council's resolution of December 2024. NSW Crown Lands staff indicated that it is an option open to Council to consider. In regard to process, a resolution of Council would be required to enable NSW Crown Lands to consider the request. Further, if the request was granted by NSW Crown Lands through a future gazettal, then the Crown reserve would require a PoM if classified as community land.

To enable consideration of Council managing all of Lang Park under the draft PoM, a draft Lang Park Crown Reserve (580097) Information Schedule was exhibited as an additional matter alongside the draft PoM document.

The draft Lang Park Crown Reserve (580097) Information Schedule (Attachment 2) was downloaded 68 times and was commented on directly in three submissions and indirectly in a Destination Wollongong submission when requesting Council review and simplify the events application process. Three of the four submissions supported the proposal while one submission objected. Further details can be found in the Summary of Submissions Table (Attachments 3 and 4). One supporter highlighted the need to consider exclusion zones for the locating of event public toilets or the locating of other event related infrastructure within the small reserve. Becoming the Crown Land Manager for this reserve would assist Council in making further assessments as part of the existing event application processes. The draft PoM Information Schedule for Crown reserve 580097 includes the following key provision -

> *"This Crown reserve is primarily used as open space in 2024/2025. This should remain as the primary focus into the future by considering short term casual event use of this small Crown reserve when the proposed event is also occurring across the larger area know as "Lang Park" to the west and/or along the Blue Mile to the east."*

As per the recommendation in this report, it is proposed to include the draft PoM Information Schedule for Crown Reserve 580097 as exhibited without change into the Wollongong City Foreshore PoM.

CONSULTATION AND COMMUNICATION

During the exhibition period from 17 December 2024 to 26 February 2026 the following engagement activities occurred -

- Information on the draft PoM and the devolved Lang Park Crown Reserve Number 580097 Additional Matter Document was posted on Council's website.
- A notice was place in the Illawarra Mercury on Saturday 11 January 2025.
- Notices in Councils social media.
- Stakeholder Email and Letter notifications sent to -
  - Applicants of the South Coast Native Title Claimants via NTSCORP.
  - NSW Aboriginal Land Council.
  - Illawarra Local Aboriginal Land Council.
  - Chief Executive of Office of Environment and Heritage (LG Act 1993 36D(3)(d)(i) Notice).
  - Adjoining property owners notified via letter (593 letters).
  - Current lease and license holders within the PoM area (17 letters and emails).
  - Other community members (Neighbourhood Forums, People who have expressed interest in the foreshore area previously and provided Council with contact details).
- Council Information Stall - Friday Crown St Markets, 31 January 2025 9.00am - 12.00pm (80 persons).
- Independent Facilitated Public Meeting - 13 February 2025 6.00pm - 7.30pm (8 participants).
- Council staff attended a meeting on Neighbourhood Forum 5 on 5 February 2025.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Goal 1 "We value and protect our environment". It specifically delivers on the following:

Community Strategic Plan 2032		Delivery Program 2022-2026
Strategy		Service
1.5	Maintain the unique character of the Wollongong Local Government Area, whilst balancing development, population growth and housing needs.	Land Use Planning

RISK MANAGEMENT

The CLM Act requires Council to prepare a new PoM for Council managed Crown Reserves. Until the PoM is adopted by NSW Crown Lands, Council is limited in the management of the reserves, including being restricted to issue leases or licences. The PoM will guide future uses of the foreshore and enable Council to issue leases and licences for periods greater than 12 months.

FINANCIAL IMPLICATIONS

The PoM permits certain uses, activities and developments subject to meeting relevant legislative requirements and Council policies but does not in itself create new commitment or financial obligations on Council. The cost of developing the draft PoM was part of existing operational budgets within Council.

CONCLUSION

The draft Wollongong City Foreshore Plan of Management has been exhibited for public comment. Minor changes are proposed to the draft Plan of Management that do not require further public exhibition.

The Plan of Management will enable Council to consider granting longer term leases and licences than is currently available through existing transitional provisions and ensures Council compliance with the *Crown Lands Management Act 2016*. It does not allocate financial resources but provides a guide to the characteristics of the City Foreshore and describes how Council through its Community Strategic Plan and supporting documents manage the foreshore.

It is recommended that the draft Wollongong City Foreshore Plan of Management as amended be referred to Department of Planning, Housing and Infrastructure – Crown Lands for review and permission to adopt in accordance with the *Crown Lands Management Act 2016* and its regulations. It is also recommended that Council seek appointment as the Crown Land Manager for the small Devolved Reserve portion of Lang Park, to simplify management of the Crown Reserve.



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Wollongong City Foreshore Plan of Management

Wollongong City Foreshore POM Area
See also PoM Land Types Maps 1-3

Drawn: J Lewis
Date: June 2025
GIS Ref: Foreshore_POM_Aerial
Date of Aerial Photography: 2024

0 500
Meters

Document Set ID: 26562172
Version: 1, Version Date: 04/06/2025

ADDITIONAL MATTER TO CONSIDER DURING EXHIBITION OF DRAFT WOLLONGONG CITY FORESHORE PLAN OF MANAGEMENT -

REQUEST TO CROWN LANDS TO APPOINT COUNCIL AS THE CROWN LAND MANAGER FOR DEVOLVED CROWN RESERVE LANG PARK CROWN RESERVE NUMBER 580097 -

PUBLIC EXHIBITION - DRAFT LANG PARK (580097) CROWN RESERVE INFORMATION SCHEDULE - POSSIBLE ADDITION TO DRAFT WOLLONGONG CITY FORESHORE PLAN OF MANAGEMENT

Draft Lang Park Crown Reserve (580097) Information Schedule

Wollongong City Council

Draft Wollongong City Foreshore Plan of Management

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This Additional Matter to Consider Involves Lang Park Crown Reserve Number 580097



Council is considering asking Crown Lands to appoint Council as the Crown Land Manager for Lang Park Reserve Number 580097. A draft Information schedule has been prepared for possible inclusion in the draft Wollongong City Foreshore PoM. There is no obvious boundary or differences between the devolved Crown reserve Lang Park 580097 and Lang Park Foreshore Crown Reserve 580076 where Council is the Crown Land Manager. Council is required to maintain both areas. However, Council cannot issue leases or licences over the devolved reserve. This adds unnecessary complication to event management as two sets of rules apply. Council is seeking comment on the draft Information schedule by 26 February 2025.

2.8 Draft Lang Park Crown Reserve Number 580097 Information Schedule –Northwest Corner Facing Cliff Road – formerly devolved Crown land

Information Schedule Reserve Name and Number	**Lang Park Crown Reserve 580097** – Northwest Corner of Lang Park – faces Cliff Road – formerly devolved Crown land *– subject to Wollongong City Council becoming the Crown Land Management for the reserve under the CLM Act 2016.*



PLEASE NOTE: THERE IS NOT CATEGORY MAP AS THE ENTIRE RESERVE IS CATEGORISED AS PARK.

2.8 Schedule Rows 1 and 2 are the same because the entire reserve is categorised as Park.

Information Schedule Reserve Name and Number	**Lang Park Crown Reserve 580097** – Northwest Corner of Lang Park – faces Cliff Road – formerly devolved Crown land *– subject to Wollongong City Council becoming the Crown Land Management for the reserve under the CLM Act 2016.*
Community Land Categories 2.8. Schedule Row 3	Park
Owner of the Land 2.8. Schedule Row 4	Crown Lands
Reserve purpose 2.8. Schedule Row 5	Public Recreation
Gazettal date 2.8. Schedule Row 6	Gazettal date:1 November 1929
Land parcel/s 2.8. Schedule Row 7	Lot 7 DP 751299 and Lot 7025 DP 1070037
Area (m^2) (Ha) 2.8. Schedule Row 8	0.36 (Ha)
LEP zoning 2.8. Schedule Row 9	RE1 Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act 2.8 Schedule Row 10	Lang Park Crown reserve number 580096 is mostly lawn open space with a small portion of a concrete pedestrian path at the southwest corner of the small reserve (it is small at .36 Ha compared with the Lang Park Foreshore Reserve Number 580076 that is 19.64 Ha). There are a few trees within the reserve as well.
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Act 2.8. Schedule Row 11	**CU1.** The lawn areas are well maintained, the trees are in good health and the pedestrian path is in good condition.

Information Schedule Reserve Name and Number	**Lang Park Crown Reserve 580097** – Northwest Corner of Lang Park – faces Cliff Road – formerly devolved Crown land *– subject to Wollongong City Council becoming the Crown Land Management for the reserve under the CLM Act 2016.*
Permitted Purposes, Development, Use or Activity See also **PoM Sections 2A – 2I (b),** especially note PoM section 2H. Pom Permissibility – provides possible opportunity, not a commitment of resourcing. 2.8. Schedule Row 12	**P1**. Implementing the future Lang Park Masterplan (or any future Council adopted master plan) is permitted. **P2. New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) and consistent with the Crown reserve purpose(s) is permitted. **Please Note: This Crown reserve is primarily used as an open space in 2024/2025.** This should remain as the primary focus into the future by considering short term casual event use of this small Crown reserve when the proposed event is also occurring across the larger area known as "Lang Park" to the west and/or along the Blue Mile to the east.
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act . 2.8. Schedule Row 13	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining development consent o obtaining a booking, licence or lease agreement with Council **S3.** See also PoM Sections 2A – 2I (b), especially 2F Express authorisation of leases and licences and other estates
Express authorisation of leases and licences and other estates 2.8. Schedule Row 14	Leases, Licenses and other estates are expressly authorised under this PoM for permissible uses, developments and activities listed in this Schedule and fitting within the provisions that apply to all land under this PoM (sections 2A-2H) and the provisions that apply to Crown reserves under this PoM (section 2I).
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee 2.8. Schedule Row 15	**T1.** There are no existing tenures.
Management Objectives Section 36(3)(b) LG Act 2.8. Schedule Row 16	The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 1 in section 1.4 for Park.

Information Schedule Reserve Name and Number	**Lang Park Crown Reserve 580097** – Northwest Corner of Lang Park – faces Cliff Road – formerly devolved Crown land *– subject to Wollongong City Council becoming the Crown Land Management for the reserve under the CLM Act 2016.*
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act 2.8. Schedule Row 17	**PT 1.** Lang Park Crown reserve is a place where the lawn areas, trees and shrubs are in good health while also being a place that is well visited by the public as they undertake their own personal recreational pastimes or as they participate in a short-term event also taking place across other parts of Lang Park or an event taking place to the east of Cliff Road along the Blue Mile. Please Note: Lang Park consists of Lang Park Foreshore Crown Reserve Number 580076 and Council owned Community Land lots at Hector Street. **PT 2**. Lang Park Crown Reserve is a place where increasing urban living creates more visitors to the reserve without a diminishing in the area's capacity to meet recreational needs. **PT 3**. Footpaths and bult infrastructure are well maintained, upgraded or rationalised in accordance with any adopted Masterplan or adopted Delivery Program and Operational Plan to deliver Our Wollongong Our Future 2032 as they apply to the services, programs or capital improvements within the reserve.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.8. Schedule Row 18	**For Performance Targets PT1 – PT3**: • Continue to regularly mow the lawns and periodically check the health of the trees and shrubs within the reserve. • Development of a Lang Park Masterplan • Implementation of the future Council endorsed Lang Park Masterplan. • Manage Council assets sustainably, according to the relevant asset management plan.
Manner of Assessment for Objectives and Targets How do we know when we get there? Section 36(3)(d) LG Act 2.8. Schedule Row 19	**For Performance Targets PT1-PT3**: • The number of short-term casual events within Lang Park is reviewed periodically to inform Councils management of the reserve to maintain the current good health of the lawns, trees, shrubs and concrete footpath. • The rate at which any endorsed Masterplan is implemented is an assessment measure. • Tracking of the trends related to customer satisfaction provides an assessment measure for Council's management of this Crown reserve. Council's Community Satisfaction Survey is done on a regular basis independently and should be increasing over time.

Council's Resolution – Point 4 of Item 1 – Public Exhibition – Draft Wollongong City Foreshore Plan of Management applies to the devolved Lang Park Crown Reserve Number 580097

CONFLICTS OF INTERESTS

Councillor Ann Martin declared a non-significant, non-pecuniary interest in Items 2 - Public Exhibition - draft West Dapto Centres Master Planning, 3 - Post Exhibition - Draft Planning Agreement - Wilkies Walk, Bulli and 4 - Post Exhibition - Draft Wollongong Industrial Lands Review, due to her to employment with the Department of Planning and Environment. As she does not work on any planning matters relating to the Wollongong LGA, Councillor Martin advised she would remain in the meeting during debate and voting on the items.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 27 NOVEMBER 2023

897 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that the Minutes of the Ordinary Meeting of Council held on Monday, 27 November 2023 (a copy having been circulated to Councillors) be taken as read and confirmed.

CALL OF THE AGENDA

898 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that the staff recommendations for Items 3 and 5 then 7 to 12 inclusive be adopted as a block.

ITEM 1 - PUBLIC EXHIBITION - DRAFT WOLLONGONG CITY FORESHORE PLAN OF MANAGEMENT

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

1 The draft Wollongong City Foreshore Plan of Management (Attachment 3) be referred to the NSW Department of Planning and Environment – Crown Lands –
   a As the landowner, as required by section 39 of the Local Government Act 1993;
   b For Ministerial consent to exhibit the draft Plan of Management as required by clause 70B of the Crown Land Management Regulation 2018; and
2 Following the receipt of approval by the DPE – Crown Lands as landowner and the Minister's consent, the draft Wollongong City Foreshore Plan of Management be exhibited for a minimum period of 42 days.
3 A further report be submitted to Council on the community feedback received following the exhibition period.
4 Council officers discuss with DPE - Crown Lands the option, process and any implications of Council becoming the Crown Land Manager for the devolved reserve within Lang Park, to reduce the management complexity.

Summary of Submissions on the Draft City Foreshore Plan of Management

Contents

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Our Wollongong Engagement page - On-line comments

No.	Submitter	Submission	Suburb (if indicated)	Decade born (if indicated)
1.	Resident	Please make the full length of Cliff Road timed parking, preferably 4hrs. At present many cars park on Cliff Road and catch the free bus to town for work or the University for the day. The cars sit there all day, no charge, and severely limit the available parking for visitors. I live on Cliff Rd and walk there every day and I see the people parking their cars in the morning and hopping on the free bus. This request provides no benefit for me as we have parking in our unit and in fact may disadvantage me but I suggest this in the broader interest of Council's objective of providing this foreshore area as a major attraction for locals and visitors.	NORTH WOLLONGONG	1950-1959
2.	Resident	I would like to see timed parking at North Beach. No camping overnight, removal of vagabonds, the rebuilding of the old light house keepers home, that was destroyed in the 80s, exactly as it once was and converted into a very posh restaurant on flagstaff Hill. The foreshore is no longer inviting as it once was. I avoid at all costs. The Emma McKeon plaque at North Wollongong is highly inappropriate! PS don't really care what you do down there its lost its warmth and innocence.	WOLLONGONG WEST	
3.	Resident	JP Galvin Park is badly littered over weekends. Either remove the barbecues and cottages or pay a fee to enter eg boom gate entry into North end of Cliff Road off George Langley Drive.		
4.	Resident	Council should not take control of Lang Park under any circumstances.		
5.	Resident	I think Council need to revitalise the harbour area. Look at Hobart for starters! At the moment, there has been consistent sinking of old vessels costing taxpayers money. Any vessels in the harbour should	FIGTREE	

No.	Submitter	Submission	Suburb (if indicated)	Decade born (if indicated)
		be closely monitored & better maintained. Why not have floating vessels selling fish and chips and other food like they do in Hobart? Or a floating sauna like they have in Oslo. Do something! Parking should remain free at all beach locations.		
6.	Resident	I love the ideas for further enhancement of Stuart Park walking/running paths. There is a real need for a designated path from the Squires Way entrance and around past the lagoon and heritage pines to North beach. The section from the children's playground and around the lagoon and pines is currently like a goat track and needs more trees. I would consider turning the nuns' baths into a safe and attractive swimming option. Despite efforts to deter people from using it, they still do, and at some risk, scaling down the rudimentary track, or coming in via the harbour.	WOLLONGONG	1960-1969
7.	Resident	It looks okay. Should ensure that native plants take precedence over non-native, potentially invasive species (e.g. bamboo) in foreshore planting schemes. Also could the dog rules be revised to allow people from Puckeys to cross the often dried up lake to get to the park. The track at Puckeys is such that you can get down to the beach but due to erosion is often hard to get back up onto the return track. Also homeless people have moved in there making it feel dangerous to dog walkers. If a dog on leash area could be established to allow people to return to the park that would be great.		
8.	Resident	Please use indigenous natives Contact our local Greening Illawarra Network Group for advice. I am sure they would be happy to help		
9.	Resident	Prioritise pedestrians. Especially along the Blue Mile between Nth Beach and the harbour. There are too many near misses from cyclists, scooters and electric bikes travelling too fast and too close to walkers. Sutherland Council has kept their coast walkways for people. Wollongong Council could do the same. Ensure easy pedestrian access to crossroads especially near Novotel area. Make sure access is easy for Seniors, disabled and families with prams. Bikes could be catered by a designated lane on nearby roads. Lower the car speed limit.		

No.	Submitter	Submission	Suburb (if indicated)	Decade born (if indicated)
10.	Resident	I support aspects of the plan that identify the protection, enhancement, restoration, replanting and connecting of foreshore native vegetation. I would like to see a commitment to tackling tree vandalism or lobbying by vested interests to manage foreshore vegetation for financial gain of a minority (though improved views). I would like to see recognition of the specific threatened fauna that are supported by key Wollongong foreshore areas, particularly grey headed flying fox reliance of on the winter flowering banksia (Banksia integrifolia). I would like to see increased focus on maintaining mountain views from key foreshore parks. High rise (and medium rise) buildings are increasingly blocking the escarpment and mountains from view from the foreshore areas, a key defining feature of Wollongong. The mountain and the beaches.		
11.	Resident	Please prioritise planting of Illawarra natives for all areas of this plan. This is what we need for sustainability and local ecosystems. We also need accessibility for everyone with limited mobility	WOONONA EAST	1960-1969
12.	Resident	I am writing to express my thoughts on the management of the Foreshore and Lang Park, particularly regarding the selection of plants and landscaping strategies. I would like to strongly advocate for the use of Illawarra and Australian native species in future planting. The benefits of native vegetation are numerous and crucial to both the local environment and the broader ecosystem. Native plants are uniquely adapted to our climate and soil conditions, which reduces the need for excessive watering, fertilisation, and pest control. They support local biodiversity by providing habitat and food for native birds, insects, and other wildlife, many of which have co-evolved with these plants. Additionally, native flora can help combat erosion along coastal areas and promote healthier soil structures through their deep, resilient root systems. Furthermore, using native plants enhances the identity and natural beauty of the region by showcasing the unique ecology of the Illawarra. It fosters a sense of place and environmental stewardship within the community, allowing residents and visitors to experience the richness of our local heritage. Conversely, introduced species often require greater maintenance and can pose risks to native		

No.	Submitter	Submission	Suburb (if indicated)	Decade born (if indicated)
		ecosystems by outcompeting indigenous plants or becoming invasive. In light of these concerns, I believe that prioritising native species will have both environmental and economic benefits, creating more sustainable and resilient green spaces for future generations. Thank you for considering this perspective. I appreciate the council's ongoing efforts to improve and maintain our community spaces, and I look forward to seeing how native planting can play a role in shaping the future of the Foreshore and Lang Park.		
13.	Resident	Then plan does have a number of major issues from an environmental standpoint. Vegetation that is planted should be indigenous species that are endemic to the Illawarra. Considering that the coastal areas in Wollongong have been mostly cleared and Banksia and costal plant communities have been severely degraded. In some cases, only 1% remains. Planting Norfolk Island pines and other non-natives decreases the diversity of these areas and provides open parkland where it should not exist, further does not allow virtually any habitat for a plethora of species. Also makes it more vulnerable to rabbit issues.		
14.	Resident	There is very little information on the management of the Men's pool. This pool has seen a significant increase in patronage. No mention of managing litter along in this area. No mention of the management of the meeting room within the continental pool. I've been told that some groups have entitled access. More signage showing clearly where toilets are located along the foreshore. No mention of the rusting handrails along the foreshore. How are these going to be maintained. The breakwater may not be Councils responsibility or part of this plan but it is a significant feature along the foreshore. It is becoming an eyesore and needs to be included in this plan even if it is holding discussions with the relevant state agencies.		
15.	Resident	Stuart Park is a great location; however, it is becoming much harder to organise trying to organise a party, not knowing if you can actually get a spot (hut) to cater. I think it would be a great idea to add a few additional huts, with power, where people can pre book, for Wollongong residents (for a fee) for		

No.	Submitter	Submission	Suburb (if indicated)	Decade born (if indicated)
		birthday/Christmas parties party's etc. Also, it would be wonderful if we can allocate 2 parking spots for the pre booked Hut. Let's say Hut number 1, you have 2 parking spaces allocated to that Hut and the parking space ground is painted with that number. That way, the parking is close to Hut, easily accessible for unloading/loading and if they need to go back out to get food etc for the party, they don't have to struggle trying to find parking again. We all know, trying to find parking can be a mess. If the customer books the hut, they would be given a sticker or letter which they can place on their windshield, so the rangers are aware the Hut and parking space has been pre booked and if the spot is not booked, anyone can park there. The rangers would be aware, so no need to issue a fine etc		
16.	Resident	I think Council has done a great job over the last decade. A few comments from regular use: • Belmore Basin needs better toilet facilities. The toilets behind Levedi are very poor especially for young families. Just been travelling in Tassie and Canada and high-quality toilets/showers etc very vital for tourism. • Definite need for tourism information around lighthouse area. Always get stopped and asked by visitors. Prioritising cafe/info site would be valuable. Utilising the area where the old fresh fish market was could be possible, although I am aware it is privately owned. it has not gone anywhere since fish market left and is an eye sore. • Do not like the sign at pool which discourages using toilets there. The pool is a public space and should be accessible to all. Remove that negative signage. • Need for an ice cream / gelato van at site near pool where food truck trial was conducted. • A cafe at the harbour itself would be beneficial. The Yacht club cafe is popular but offering can be expanded. Tourist hub could also be here. • Stuart Park could fit in a small BMX /MTB track for young preteens near play park. Love the new all abilities playground. Love the regular water fountains. • Shade opportunities along Blue mile should also be explored. some great seats but they are exposed to sun and can get very hot. • Allow for sunset drinks/food type vendors in great spots like lighthouse area. • Do not re-sign lease-with Lagoon whenever it finishes and return to public hands. it may be in	MOUNT KEIRA	1950-1959

No.	Submitter	Submission	Suburb (if indicated)	Decade born (if indicated)
		the future but need to have that as a long-term strategy. should never have been allowed to occur. • Thank you so much for making this very special area great for local residents and visitors.		

Summary of Age Range of submitters (if indicated)

Row Labels	Count
36-45	1
46-55	1
56-65	1
(blank)	13
Grand Total	**16**

Summary of Suburb (if indicated)

Row Labels	Count
FIGTREE	1
MOUNT KEIRA	1
NORTH WOLLONGONG	1
WOLLONGONG WEST	1
WOLLONGONG	1
WOONONA EAST	1
(blank)	10
Grand Total	**16**

Crown Street Market comments

No.	Submitter	Submission
1.	Resident	Stuart Park could be even better – have a look at Berry's Boongaree Rotary Nature Play Park. The bike track – Blue Mile – needs cyclist / other speed limit – e scooters should not be on footpaths. Some dog owners are not picking up their poo along the blue mile. From the Golf course to Stuart Park and beyond to Austinmer – there are many tree branches that are hanging over the footpath or cycleway and they present a hazard. There needs to be more branch trimming, so the branches do not extend to cyclist and walker heights.
2.	UK tourists visiting Wollongong for first time	Spectacular blue mile and continental pool facilities. We are enjoying our stay here. All pools in the UK require an entrance fee. It is the same for all botanic gardens. Beaches, parks are all kept to an outstanding level by Council.
3.	Australians recently returned from living in US for years and recently moved to Wollongong.	The Blue Mile is maintained to high standard with excellent facilities, beaches and parks.

Emails / letters

No.	Submitter	Submission
1a	Resident – submission 1	I prefer to call the skydiving operation" a commercial business with a recreation and tourism component" rather than a "commercial recreational activity". I have some concerns that the exhibition period is from 17 December to 26th February as this is over the Christmas -- New Year period I have serious concerns about "Holding over provisions are not uncommon to tenure agreements" as I note the Carry over period for the cottage is now in holding over for more than 10 years and for the landing area is now in holding over for 13 years. I see the skydiving as totally different to the Illawarra Live Steamers (west of George Hanley Drive) and Pines Surfing academy.
1b	Resident – submission 2	I provide an alternative view to Council staff being 1. Council adopted a 1987 PoM – objectives a. Create quality recreation space b. Encourage passive use by residents and visitors – where possible avoid overuse and congestion c. Upgrade increase parking d. Further recreational facilities for passive recreation activities e. Prevent any significant new commercial uses starting in the Park or intensification of formal recreational areas 2. No new park in Smith's area since 1987 – increase in high rise development – 2005 landscape architect recommended Council create a new park on the western side of Corrimal Street (never happened). 3. Parking was increased in Stuart Park. 4. Cricket and baseball were relocated out of Stuart Park in 1995 – to become Village Green. 5. 1999 – Council created a working party to revise 1987 PoM. I was one of the two community representatives on the working party. The majority of members wanted to "retain no new commercial uses east of George Hanley Drive" but when the report went to Council it included possible commercial uses. The working party was advised that no lease/licence in excess of five years could be granted unless the draft lease/licence was exhibited and all submissions sent to the responsible state Minister for decision. I personally believe this was not done. a. I believe Council initially gave approval for 12 months of skydiving landing and granted the General Manager authority to extend the lease/licence – I believe this was totally contrary to then plan of management. b. In 2007/2008 I believe a inhouse committee/working party with no community representation developed the "Blue Mile" with provision for an administrative building for the sky diving business. This sky diving admin building was opposed by many residents, and I believe it totally wrong to develop the Blue Mile without community representatives on the working

No.	Submitter	Submission
		party. In my opinion the Blue Mile was a document to take to Macquarie St and Canberra for funding infrastructure. I believe also Council might have been persuaded by promise to build public toilets at no cost to Council. I believe a former Councillor tried to raise the issue of Stuart Park and I believe was not supported and wondered why. c. 2014 a DA for the skydive admin building was lodged but after 10 years it has not been built. d. I believe the number of landings continued to increase and public use and access of most of the "village green" was not available. e. The skydiving business has had a lease to use the caretaker's cottage and a licence to use Stuart Park for landing – the money paid to Council is much less than Port Phillip Council receives from skydiving. f. In 2021 Council decided to develop a landscape Masterplan for Stuart Park and exhibited from 28 Sept to 2 Nov 2022. I believe there were many submissions against the continued use of Stuart Park for skydiving. I believe the Masterplan had no real reference to skydiving continuing but the report to Council in March 2023 did include the statements "a few respondents said SkyDive the Beach should be moved from the Park" and "Others thought Sky diving had been removed from the Park." g. The draft Wollongong City Foreshore PoM on exhibition in Dec 2025 to Feb 2025 says the lease for Stuart Park cottage has been held over from 30/9/2014 and the licence for the landing area has been holding over since 6/12/2011. h. I believe Council has never put the draft leases and licences for Skydive landing and use of cottage on public exhibition so the public could comment. i. I believe the general public has had their access and use of the park very much limited. j. I believe having only 1 copy of the draft PoM in the library that is not available for overnight borrowing disadvantages people with no computer skills. k. After 25 years skydiving landing should no longer be in Stuart Park and Stuart Park be restored to the general public.
1c	Resident – submission 3	"The draft PoM proposes to permit skydiving landing at Stuart Park" – does this mean the elected Council in Sept 2024 made this decision? If so, can I have a copy of decision? – should this assumption that Council will permit skydiving be made before the end of the exhibition for public comment? Why aren't there details on a draft lease or licence proposal for skydiving in the draft PoM or on exhibition then? How else will the details be determined? I believe skydiving is commercial and not recreational.

No.	Submitter	Submission
		The issue is commercial leasing of a public park now 140 years old. The public should be able to know so they can comment on: • how much of the public park will be leased off for skydiving • how will the lease details determined? • Will lease fees be based on number of landings?
1d	Resident – submission 4	I will only speak on Stuart Park. I support skydiving for its economic benefit and raising the profile of Wollongong. However, I most strongly object to skydiving landing in Stuart Park. Stuart Park is now 140 years old and is a public park and so the general public must at all times have access and use of the Park. There should be no commercial leasing/licencing of the green central area, known as "The Village Green" Stuart Park is more than a local park- it is a regional park but also serves as beachside recreation area for people in south-west Sydney. Wollongong has a population over 220,000 (estimate) but there were less than 10,000 people in Wollongong when the park was established in 1885. It has in the past had caravans, tennis courts and a zoo. In about 1980, Council called for expression of interest for a 50-seat cafe and kiosk to service the needs of the people using Stuart Park. This has over the last 40 years grown into a licenced restaurant - totally different from the original idea. In 1997 Council adopted a plan of management. The main objectives were 1. To improve the essential green and open character of the Park and create quality recreation space, particularly for the residents of nearby Smith's Hill who have very little useable open space. (I might add in the 38 years since Council has not provided additional open space for Smith's Hill despite recommendation from Jane Irwin Landscape Architects who Council contracted to provide advice for 2007 L.E.P. and increase in floor space ratio of 20%) 2. To encourage passive use of the Park 3. To create further recreation facilities for passive recreation activities 4. To prevent any significant new commercial uses staring in the Park or the intensification of formal recreation areas This led to cricket and baseball being relocated out of Stuart Park. The area for cricket and baseball was to become "The Village Green" Council in about 1999 set up a working party to update the plan of management. The secretary of South Coast Conservation Society and I representing Neighbourhood Committee 6 were the two community representatives on the working party. We argued that the principles and ideas of the 1987 plan of management should be the principles for the

No.	Submitter	Submission
		new plan of management, especially that there be no commercial activity east of George Hanley Drive. We were told that this was unacceptable. Further we sought clear advice from the delegate from the NSW Dept of Lands that no lease/licence could be granted or extended beyond five (5) years unless the draft lease/licence had been publicly exhibited and all submissions / comments forwarded to the responsible State Minister who would make the decision. She assured us this was the case. But this has not occurred, and the lease/licence has now been about twenty-five (25) years without a draft lease/licence being pit on public exhibition. Because I believe the wishes of local residents would not be agreed to by Council staff I left the working party. In late 1996 Council approved skydiving landings in Stuart Park (D96/225. I believe it was for six (6) months only. Another clause in the approval was for an alternative landing site - Dalton Park was suggested. In 1998 (23 November DA-1998/617 was approved by Council for 6 months later extended for 12 months and Council's General Manager delegated to determine whether the application should be given an unlimited time consent. This seems to go contrary to the public interest and in view of the ICAC. enquiry and sacking of Council raises the issue of propriety. I would argue that both DAs were contrary to the then plan of management (1987) and so were not legal. Plus we have been told that any action of Council must be consistent with the plan of management. Then in about 2006 Council set up an inhouse working party to develop a Management Plan (to be known as "The Blue Mile". There were no community representatives on this working party. This had provision for an administrative building for Sky Dive the Beach to be built within Stuart Park. There was considerable opposition to this. There were no details of proposed lease/licence. It seems Council had decided to lease most of "The Village Green "to a commercial undertaking that would prevent the general public accessing or using this part of the public park. The approval was challenged by a group of local residents in the Land and Environment Court (rather unsuccessfully) I believe that Council may have been influenced as the applicant promised to build public toilets in the building. Now no building has been built and so I can only assume that the building for Sky Dive the Beach will not be built on what has been a public park for 140 years. Now we note that 1) The lease for the caretaker's cottage was from 1/10/2009 to 30/9/2014 - has been held over for more than 10 years 2) The licence for skydiving landing in Stuart Park was from 7/12/2005 to 6/12/2011- has been held over for more than 13 years These have been more than two (2) full terms of Council and thus it must be asked as why the holding over periods have been so long.

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		I note that the number of landings have significantly increased the area marked by cones by Sky Dive the Beach has significantly increased. The area immediately east of the land used by Sky Dive the Beach is often underwater at times and unable to be used by the public. Council has referred to a 2023 Management Plan, however Council's minutes of 20 March 2023 reads "The Stuart Park and JP Galvin Park Landscape Master Plan was adopted unanimously". But in the report on page 633 of Council's Business paper included comments: • "Sky Dive the Beach not suitable for Stuart Park" • "Query about timeframe for Sky Dive moving elsewhere" • "Sky Dive the Beach" should be moved to Dalton Park or adjacent parkland at Fairy Meadow" Council has failed to address these comments in Council Officers' report. It must be asked. • if Council allows landings in Stuart Park, how will the lease / licence be determined? • "Will the land now zoned as recreational need to be classified as commercial and the lease/licence recognise that the land is being used for commercial purposes. Should it include component for extra money to reflect the number of landings. I believe this occurs at Port Phillip Council in Victoria. • Should there be a time limit on the lease/licence? • Should there be a limit as to how much of Stuart Park, especially "The Village Green" can be leased or licenced • How many landings now occur • What percentage of Sky Dive the Beach charges goes to Council? There are so many questions, and I would ask that written answers to them be provided in written form to be before the closing date for submissions. I would conclude, "Stuart Park" is a public park and so public use and access at all times should be protected and so commercial use that excludes the general public should not occur -- it is clearly against the public interest. I would hope that Council staff and Councillors read the report" Commercial skydiving in Wollongong -- item 1 of Council's business paper for 27 April 2015 I support in principal skydiving in Wollongong but landings must not be in Stuart Park.
1e	Resident – submission 5	Why should Council allow a use, lease or licence which would effectively limit public access and use of the 140-year old park? 1. How will the lease/licence be determined? 2. Will the land be valued on the basis of its commercial use rather than its recreational/ park zoning? (I believe this occurs at Port Phillip Council in Victoria)?

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		3. Should there be a time limit on the lease/licence? 4. Should there be a limit as to how much of the park is to be leased/licenced? 5. How many landings now occur and what has been the increase since initial approvals in 1996 and 1998? 6. What percentage of the charge made by Sky Dive goes to Council in the lease/licence? 7. Why has the holding over period (10 years for the lease and 13 years for the licence –over two full terms of Council) be so long?
1f	Resident – submission 6	I believe there are 2 errors in the Public Meeting report that are essential to correct – 1) I believe the use of the word "may" in example on page 9 of the Public meeting report should be replaced with "will" because however the PoM is adopted then there will be a lease/licence for most of the "village green" and this would restrict public use. "Will" avoids ambiguity of "may". In my submission given to the public meeting facilitator and included in Appendix 2e – in paragraph 6 there is a "1997" then should be "1987".
2	**St Mary Star of the Sea College**	I found it difficult to identify specific changes that were being contemplated and that would impact the College. From the College perspective, our students greatly value being able to utilise the Lang Park space for sporting and other recreational uses. The PoM still allows this to occur albeit under a licence arrangement. Without dedicated sporting grounds, the College students would be seriously disadvantaged by any restriction or change from the current uses. The College supports the relocation of the bus terminus away from the Marine Drive area. The College understands the heritage value of the three "huts" located on the southern end of Lang Park but are concerned whenever intoxicated or drug-affected members of the public congregate in the huts. We have noticed examples of anti-social behaviour that impact not only our girls but also other users of the park. There may be a need to review security aspects of Lang Park to ensure a safe area for all users. For completeness, the College also utilises the Continental Pool as part of it's water safety program for junior students.
3	Five islands Outrigger Canoe Club	We are a non-Profit outrigger club and are looking for a place to leave our single six-man outrigger Canoe at Belmore Basin. Ideally, we have identified a suitable spot at the eastern end of where the tenders are stacked against the wall. I have attached a photo identifying the location. There are a few other spots around the harbour of which I have also attached photos.

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		We train 3 days a week and have full insurance. The canoe would not interfere with public space and be placed so as not to interfere or inconvenience anyone. Thanks for your consideration and time. 
4	Resident	**1. Car parking** With the growth of Western Sydney over the past 25 years, our beaches are now the regular playground for hundreds of thousands of people who, under current circumstances, have the opportunity to use our roads, picnic shelters, toilets, barbecues, garbage bins, and other amenities, at no cost. While I don't begrudge anyone visiting our beautiful city, it seems unfair that Wollongong ratepayers pick up the cost for accommodating our neighbours and friends from other LGAs who enjoy a free day out. In most circumstances they bring their own food and drink and in so doing contribute nothing to the local economy. While Sydney councils such as Manly and Waverley impose car parking charges in adopting a 'user pays' form of raising revenue, Wollongong City Council appears stuck in the past and unwilling to investigate a parking regime in which residents of Wollongong LGA can park for free while visitors pay a nominal amount (say $2 an hour to a maximum of $10 a day). Our Council regularly says it has insufficient revenue to cover the costs of renewing our ageing infrastructure (eg stormwater), yet it chooses to forego new revenue opportunities for paid parking at our most popular, in demand coastal locations such as Stuart Park and the foreshore area including Squires Way, Wollongong Harbour and Cliff Road. Isn't it time our Council moved with the times and initiated a new parking system which will provide much needed revenue while encouraging a regular turnover of vehicles in our visitor hot spots. **2. Skydiving** While I understand Council's intention 20+ years ago to bring an exciting new tourism business to the city it worries me that the licence agreement currently in place means our city is foregoing hundreds of thousands of

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		dollars a year in revenue to allow the skydive business to operate for a pittance compared to skydive operators in other regions. If Council is happy to allow a large section of Stuart Park to be effectively 'locked up' to locals it is incumbent on WCC to ensure the business is paying a fair and reasonable rental and dollar amount per jump based on the pricing model of similar skydiving operations elsewhere. Again, ratepayers are picking up the tab for the skydive operators and their customers to use this valuable space at what seems to be significantly below market price. It's difficult to understand how this has been allowed to continue for at least two decades at a cost to the city of millions in lost revenue. **3. Shade trees** While our foreshore areas have some magnificent trees can I suggest Council does some future planning to identify where additional shade trees should be planted along footpaths and in the most popular gathering places in green spaces close to the foreshore. **4. Electric bikes and scooters** The growing popularity of powerful electric bikes and scooters in our city is a good thing environmentally, however, there is a growing issue on popular pathways where pedestrians and bike/scooter riders, often travelling at 20- 30km/hr are increasingly coming into conflict. There have already been collisions and many near misses and it is only a matter of time that someone will be seriously hurt, or worse. Some electric bikes are now effectively travelling at speeds similar to motor bikes and there should be no place for these on popular pedestrian paths. Can I suggest Council more clearly signpost a 5km/hr or 10km/hr speed limit, or insist people walk with their bikes on the busiest stretches of footpath with fines to apply for those who flout the rules. This will of course require Council rangers to patrol these most dangerous areas on a regular basis.
5	Resident	There are three issues in particular that I have raised with Council before. I am disappointed to find that they are given limited or no consideration in the Draft Plan. These three issues follow along with my contentions. I hope that the final plan will be an improvement on the Draft in regard to these issues. **1 The use of Stuart Park by SkyDive** If it must be used at all by SkyDive, the very least the Council can do is to charge a commercial rate. A. In the SkyDive the Beach Initial Public Offering (IPO) the Prospectus provides information on a licence to Skydive Holdings from Port Philip Council (St Kilda) site until December 2016 to enable landings for a fee of $122,500 pa, plus $2.40 per jump for adults. St Kilda had 4,948 jumps in FY 2014, ie 12% of a total 41,241 for Skydive across all their

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		Australian sites. Wollongong had 18,781 jumps, ie 46% for Skydive across all their Australian sites. The St Kilda licence fees equate to $27 per jump, whereas Wollongong pays ~$8,000 for 18,781 jumps, ie $0.42 per jump. " If the St Kilda fees had been applied at Wollongong, the revenue to Council would have been $463,890. B. Nearly 20 years ago, Wollongong City Council was advised that Blue Mountains City Council – WCC Business Paper Item 5 - Ordinary Meeting, 22 November 2005) PROPOSED LEASE OF PART OF KATOOMBA PARK FOR THE SCENIC SKYWAY AT CLIFF DRIVE, KATOOMBA noted, inter alia, on page 23 : "Under these circumstances it was felt appropriate to obtain the advice of the State Valuation Office (SVO) in providing a fair market rental valuation of the land and air space involved in both the Lease and Licence." AND "The Valuer recommended that a “fair and reasonable” land and air space rental valuation for the Skyway lay between 5% to 7% of the annual gross revenue from ticket sales of the Skyway ride." If one assumes an average charge per drop of $280 in FY 2014; then with 18,781 jumps at Wollongong, this is some $5.25 million of gross revenue that year. Six per cent of this amount is some $315,500. C. The concerns raised by Neighbourhood Forum 5 conveyed over the years to Council. D. The concerns raised at the meeting of Neighbourhood Forum 5 held 6 February 2025 after the presentation by a Council officer on the Draft Plan of Management. Quite simply, when it comes to SkyDive, Crown land deserves more respect than Stuart Park is currently being afforded. **2 Lease of land to the Lagoon Restaurant** The second issue at Stuart Park needing addressing is to ensure that the lease to the Lagoon Restaurant is set at a commercial rate without having to wait for the present lease to expire. Or, at the very least, to ensure that the lease is set in terms no more favourable than any other business operating on leased premises on Council land, including, presumably North Beach Kiosk and Diggies, and Levendi near Belmore Basin. **3 Parking** An issue needing addressing is that of parking at Stuart Park; a situation made worse by the activities of Skydive. Eventually, Wollongong City Council, like every Council in Eastern Sydney with beach access, is going to have to address the question of access to parking for residents (and ratepayers) as well as out of

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		town visitors from other local government areas. This may require parking meters at Stuart Park for out of City residents with vouchers for residents/ratepayers of Wollongong City. So far, like issues A and B above, it appears to been put into the too hard basket.
6	Wollongong Golf Club	The Club has been an integral part of the community for over 127 years and has consistently demonstrated its commitment to sustainable development, community engagement, and the maintenance of this vital recreational asset. Despite numerous efforts by the Club to secure a new lease arrangement, Council has yet to formalize a longer-term lease. The current reliance on a short-term 12-month license is inadequate for planning and investment. Council minutes from 2016 confirm the approval of a 20-year lease. However, this has not been implemented, leaving the Club in an uncertain position. Provide a clear and expedited timeline for finalizing a long-term lease agreement as approved in 2016.
7	Resident	I suggest that Council adopt a revised POM that prohibits the continuation of skydiving landings in Stuart Park and any other commercial activities that restrict the public's ability to engage in passive recreation which is the prime purpose of a public park. If all skydiving landings were relocated to the little used area just north of the Fairy Meadow Surf Lifesaving Club any current benefits to the residents of Wollongong, the skydiving company and its customers would continue.
8	Resident	My particular interest is Lang Park, north of Crown Street and foreshore surrounds such as Flagstaff Hill, and Belmore Basin. Lang Park has been our playground, cricket pitch, footy field and beach access etc across several generations. The park and the Blue Mile are priceless assets for Wollongong and deserve the utmost respect from Council. I note with interest the creation of a master plan for Lang Park. I equally recall a long history of attempts to monopolise the park and other foreshore spaces for commercial gain. It is critically important that Lang Park retains its open space character without commercial development or monopolisation. Improvements should be limited to low impact facilities, shade, plantings etc that enhance the utility of the space without compromising accessibility or sustainability. Any sporting or other use should be strictly casual and without permanent structure. Maintenance and protection of Lang Park and surrounds should be a Council priority. Ideas such as the underground car park in Lang Park, the Visitor Information Centre and Café on Flagstaff Hill and multi-level car parking at North Beach, which featured in the 2007 Master Plan, and more recently a skate park, should be clearly disqualified from future

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		consideration. I would be loath to see another unsympathetic structure like the surf club / Dunes built on the park or foreshore. I understand WCC's rationale in moving to control the whole park, but we would note that in the past WCC or event managers have not fully respected resident amenity by doing things such as installing portable toilets, work sheds, equipment dumps, waste bins, generators and amusements alongside 7 Hector Street and 88 Cliff Road. The PoM and Lang Park Master Plan must give due consideration to maintaining separation with residents by quarantining a suitable portion of Crown Reserve 580097 during short term casual events. Finally, I would very much appreciate notification in due course of the draft Lang Park Master Plan so that I might comment.
9	Rotary Club of Wollongong	Thank you for your updated email for the Foreshore & Battery Park, the plans sound great. Nothing from our end to add. Look forward to the completion.
10	National Trust Illawarra Shoalhaven Branch	The National Trust of Australia (NSW) Illawarra Shoalhaven Branch have reviewed the documents on the Community Engagement website and are in general agreement with the draft plans. There are a number of comments we would like to make, a number of which are of a 'housekeeping' nature and are listed at the end of the document. **North Wollongong Surf Life Saving Club 'North Beach' Crown Reserve Number 71482** Page 55 - While there is a brief mention of the 'Gentleman's rock pool' in the 'General Description of Improvements and Land' section, there is no further mention of the rock pool, which is included in the State Heritage listed Wollongong Harbour Precinct (Item 01823). The pool includes an access ladder/steps, which the Trust believes are Council's responsibilities. Should the rock pool be specifically mentioned in the section 'Existing Uses and Developments - Condition and Use (CU) of the land and any buildings or other improvements on the land' or does it fall generally under the Conditions of Use for the Blue Mile Tramway shared path, seawall and surrounds? **Osborne Park – Council Owned Community Land** Page 135 - The Trust is of the opinion that Osborne Park in its entirety forms part of the State Heritage Listed Wollongong Harbour Precinct (Item 01823) and not just the Mt Keira Osborne Wallsend Tramway Bridge Remains (Item 6367). **Flagstaff Hill – Council Owned Land** Page 147 - Performance Target 1 for Flagstaff Hill is described as '*The Council owned community land at Flagstaff Hill will remain an area that is a vantage point to City Beach, the Harbour and the ocean horizon, where the history of the area is acknowledged, interpreted, conserved and commemorated appropriately on site*.' The Trust would support a change to the Performance Target to include Flagstaff Hill as a vantage point to the escarpment. The escarpment

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		has been a prominent landform in both indigenous and European cultures. The Trust would support this revised performance target being incorporated into those for the Flagstaff Point Crown Reserve Number 580103. The Trust looks forward to being given the opportunity to work with Council to *'investigate and consider conservation methods and adaptive re use (if appropriate) to better manage the Flagstaff Hill Fort installations.'* Some Housekeeping comments: **Stuart Park Crown Reserve 580060** • General Description of Improvements and Land (Page 38). The State Heritage Register Item 01737 – North Beach Precinct includes the North Beach Surf Life Saving Club House building as well as the North Beach Kiosk and Surf Pavilion buildings. The inclusion of the Surf Life Saving Club House building is a recent addition, likely to have been gazetted after the initial draft of this document was prepared. • North Beach Surf Club Stuart Park to Battery Park – Heritage Listed Items Map (Appendix 1). The State Heritage Item 01737 does not include the extended curtilage which now includes the North Beach Surf Life Saving Club building (refer comment above). **North Wollongong Surf Life Saving Club 'North Beach' Crown Reserve Number 71482** • Heading 'North Wollongong Surf Live Saving Club 'North Beach' Crown Reserve Number 71482' (page 53 and following). Typographical error – 'Live' to be replaced with 'Life'. • While not listed in the Wollongong LEP 2009 Schedule 5, a listing exists in the State Heritage Inventory for a locally listed conservation area 'North Beach Precinct and Belmore Basin'. Is this listing current? **Old Court House - Council Land** • Page 139 - The project to replace the Old Court House roof is now complete.
11a	Neighbourhood Forum 5 Submission 1	At NF5 meeting 5 Feb 2025 it was agreed to lodge a submission on the draft CF PoM. This submission includes extracts from NF5 Agenda item 7.16 on 5 Feb 2025 and further supporting information. NF5 focus is the section re Stuart Park (SP) Crown Reserve 580060, that was gazetted about 140 years ago as a Public Park, in particular Community land east of Squires Way categorised as a Park. But since 1997 SP Oval has been allowed to be used as a primary landing zone for commercial skydiving, even though it contravenes case law, legislation, PoMs and licence conditions, as detailed in this submission.

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		Despite this the draft CF PoM seeks to perpetuate skydiving in SP, and even to enable whatever else Council might decide, now and in future, which needs to be withdrawn. Therefore, in summary NF5 submits that the draft PoM must be reworded to recognise the myriad of contraventions, deny continuation of skydiving operations in Sturt Park, and restore the public's rights of access to SP Oval in our regionally unique and cherished Public Park. As an overall solution, NF5 requests Council to require the skydiving landings be moved to a large area of seldom-used Council land north of Fairy Meadow Surf Club, where landings often occur during winds preclude use of SP. **1. Plans of Management** a) Since its gazettal in 1885, public use of SP has included a broad range of facilities, and in the early 1970s, Council resolved that the camping area be closed, and SP be developed into a major recreation area. In 1987 the PoM objectives included to encourage passive use of the Park by residents and visitors, and to prevent any significant new commercial uses in the Park. Then about 30 years ago cricket was moved off SP to make way for the Oval/Village Green to be used for passive recreation. b) **2000 Stuart Park PoM**: Towards late 1990's Council, as trust manager, established a Working Party, including representatives of NF6 and the South Coast Conservation Society, to develop a draft PoM for SP and Northbeach. After specialised studies and considerable community consultation the Minister adopted the thorough 2000 SP PoM in Oct 2000 under the Crown Lands Act 1989. This included reference to case law (Randwick Council v Rutledge, 1959, High Court of Australia), that land reserved or dedicated for public recreation must be open to the public generally as a right. Also that use of the reserve must be consistent with the public purposes for which the land is dedicated or reserved. The 2000 SP PoM Action Plan includes: "Create a village green in the area of the old sports oval," and the PoM Plan includes re the Oval area" remove fencing and provide shade tree planning to create 'Village Green.' But this has not yet happened. c) **2008 City Foreshore PoM**: A major recommendation in the 2000 SP PoM was to prepare a detailed Master Plan for the SP & North beach area, and around 2005 development of the Blue Mile Master Plan commenced, but for with a vastly extended area south to Wollongong Golf Course involving Crown and Council land, of which SP was in Zone 7. Contrary to the 2000 SP PoM this provided for a skydivers drop zone on the Oval and a relocated facility for skydiving. The voluminous exhibited Plan included a City Foreshore PoM and the 132 submissions by community members (including objections to skydiving in SP) were dismissed in less than one page in a report. Council adopted the BMMP late 2007, and the CF PoM early 2008, ie just prior to Council's sacking, after release of the ICAC report. The 2008 CF PoM was never adopted by the Minister, so the 2000 SP PoM

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		remained as the only statutory document under the CL Act (Protect Our Parks v WCC, Justice J Moore, August 2016, NSW Land & Environment Court). However, Council continued to contravene the 2000 SP PoM by allowing skydivers to land on the Oval and ignored the 2008 CF PoM restriction of only short-term casual licenses for land east of Squires Way. As J Moore noted, whilst a DA for a new skydive "commercial tourism enterprise" building could gain consent using the 2008 CF PoM, it was not permitted under the Statutory 2000 SP PoM, so could not be built. This resulted in representations for the Minister to cancel the 2000 SP PoM, initially by the skydiving company, then by WCC General Manager, the Lord Mayor, and an MP in the area., and the 2000 SP PoM was cancelled in April 2017. The propriety of this process could be questioned. In Feb 2017 the Land & Environment Count ordered re DA-2014/306 that consent for a new building for the skydiving company in SP be validly re-granted. However, it is understood during the 8 years since, the consent has not been activated, thus consent has lapsed. d) 2025 draft CF PoM: In Dec 2023 a 200-page draft CF PoM was included in the 800- page Agenda for Council meeting, and it was resolved to request Ministerial consent to exhibit, which was recently received, thus the exhibition now. The CF PoM is required to comply with the NSW Crown Land Management Act 2016 (CLM Act) and the Local Government Act 1993 (LG Act). NF5 has made many requests of Council to form a Working Group in drafting the PoM, and for a separate PoM for SP, as was successful in 2000 and presumably contributed to Ministerial approval of the 2000 SP PoM. However, the 2025 draft does not comply with the requirement for community engagement in the drafting phase of PoMs. The draft CF PoM is stated to rely on compatibility with the Stuart Park Management Plan that was adopted by Council in March 2023, after considering feedback from 1,200 people. But it actually contravenes the SP MP, which makes no provision for continuing skydiving landings in the Park. Also, this draft CF PoM incorrectly claims "shared use" if orange cones on the Oval are removed by the skydiving company operator when there is not active landing occurring, which allegedly "reflects shared use between commercial and non-commercial recreational use of Stuart Park." But cones are not moved and there is no "shared use" during daily landings, which is another contravention. **2 Landing Licences in Stuart Park** a) By Crown Lands letter Nov 2000 and the 2000 SP PoM, skydiving activities on SP Oval were to cease by Dec 2005, and the Oval revert to a Village Green, providing unrestricted access and use

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		by the public. But a new 5-year licence was approved until Dec 2010 to land on SP Oval, which contravenes the 2000 SP PoM. b) Since 1997, SP Oval has been used as a primary landing zone for commercial skydiving, with short term licences issued in 1997, 1998, 1999, 2000, 2001, 2006 (expired Dec 2010), all of which includes a Plan approved by Crown Lands requiring the primary landing area to be west of SP Oval, not on the Oval. Therefore for 27 years skydiving has contravened a critical licence condition by using SP Oval as their primary landing zone. c) For 14 years since Dec 2010 after the landing licence expired, skydiving has been allowed to continue under a monthly hold-over provision. But this contravenes the 5-year maximum before triggering the need for Minister's consent (under the LG Act), which has not been provided. d) Also it is understood the LG Act states a licence for a term exceeding 5-years may be granted only by tender. Given it is 14 years since the landing licence's expiry in Dec 2010, this is yet another contravention of the LG Act. **3 Core Objectives** a) Under the LG Act leasing and licensing of community land is to be consistent with the Core Objectives of the community land Category that applies to the land. Most of Stuart Park is Categorised as a Park (including the Oval), for which Core Objectives are: • to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and • to provide for passive recreational activities or pastimes and for the casual playing of games, and • to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management It seems clear the commercial operation of skydiving in Stuart Park is not a passive recreational activity, nor for the casual playing of games, and is not consistent with the Core Objectives of a Park. This is a fundamental contravention of the LG Act. b) Also a letter from Crown Lands in Feb 2024 in response to a resident includes that a recreational use of a public reserve would not involve the generation of an income or profit for a particular third party. On this basis commercial skydiving does not satisfy the Core objectives fir the Park. **4 Rent for Landings**

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		a) Despite frequent requests there has been no explanation from Council why only a peppercorn annual rent rather than realist market value is levied for the actual areas used for skydivers to land safely (ie about 7,000 sqm versus 300 sqm initially claimed). b) Also rent has been set by Council staff, not by registered valuer/s market assessments, nor by tenders, nor comparison with the skydiving company's landing site at St Kilda, nor a relevant precedent for a similar situation on Crown Land in the Blue Mountains of 5% to 7% of annual gross revenue. c) For about 14 years since 2010 (ie while skydivers were understood to be averaging about 20,000 jumps pa, with gross income over, Council's rent for landing at SP (Crown Land) and Dalton Park (Council land) has been minimal at about $8,000 pa. Whereas arguably it could be about $500,000 pa more if market value was applied, based on about 7,000 sqm set aside for safely landing, and comparison with their St Kilda landing site, (about $27/jump v SP less than 50 cents/jump) ,or 5% to 7% of annual gross revenue (ie $400,000 pa to $560,000 pa if about $8 million pa gross). This contravenes recognised commercial good practice and requirements and has resulted in foregone income to Council arguably up to many hundreds of thousands of dollars per year.
11b	Neighbourhood Forum 5 – submission 2	**Parking along the Foreshore** Council consider a range of options to improve the equitable access to parking in the foreshore areas, between Stuart Park and Lang Park including contributions to the cost of this parking and maintenance of the parking areas, and even more importantly the costs of maintaining and enhancing the open spaces areas and their facilities. In this regard, any Council review should include consideration of pay parking and possible time limitations and whether WCC ratepayers who already make financial contributions to capital improvements and maintenance are given more favourable provisions. **Tree Planting and Shading** Council enhance shade within this popular Stuart Park precinct, with additional planting of shade providing species - particularly along footpaths and popular picnic places. Additional picnic shelters with shade could also be considered noting the current facilities are unable to cope with crowds. **BBQ Facilities** Council provide more BBQs towards the Surf Club and other parts of the Foreshore. Most BBQ facilities in the Stuart Park area north of North Beach Surf Club are concentrated towards Fairy Lagoon and these are in high demand. This results in many people using other areas bringing their own BBQ facilities, many based on coal, and resulting in disposal of coal around taps. It is noted that Council has introduced coal disposal facilities, but these are limited.

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12	Destination Wollongong	Destination Wollongong, in its role of leading the Destinational Marketing of Wollongong, has great interest in this area, as it represents one of the most visited areas of the LGA. The ongoing improvement, beautification and accessibility of the central beach areas is supported, as it significantly supports the growth of tourism in this city. In general terms, Destination Wollongong supports the Plan finding that it still allows appropriate activities, developments, commercial recreational uses and leases, that can provide additional appeal to the areas undertaken by Council. This *flexibility* is considered essential if we are to attract appropriate investment by other parties, in development of attractions (both large and small) and events. This in turn has the potential to create a beachside location that is known for its attractions, facilities, interest and vitality and will assist in attracting more visitors and growing Wollongong's Visitor Economy. DW's Primary Considerations, that we would encourage, and hope can be considered under the Plan's processes, are listed below: **PRIMARY CONSIDERATIONS:** **Bus Terminal (2.8A)** DW supports the removal of the bus terminal from the Lang Park Foreshore/Marine Drive, allowing the area to be developed into a prime public space, that could be better utilised. Options for new use of the area, include an extension of the usable park land, an extension of Lang Park's fitness facilities (especially as this could complement its proximity to the Olympic Wall), an outdoor Basketball Facility (adjacent to the home of the Illawarra Hawks), an integrated playground and/or a water playground. **Event Application process (Crown land and foreshore)** DW supports the undertaking of a complete review and refinement of the Crown Land event application process, that is currently unwieldy and confusing. Current event organisers are either being dissuaded from coming to Wollongong because of the process, or it taking far too long - meaning that Wollongong misses out on events and we are creating a reputation that it is too difficult to bring an event here. As an example of this dissatisfaction, in their post-event report, the organisers of the 2023 Australian Timbersports Championships advised: '*The approval process was the worst experience I have had in 20 years. If it wasn't for the great work of the team at Destination Wollongong the event wouldn't have gone ahead. There needs to be some structural changes and cohesion with the desired use of that space as an event site'*. DW acknowledges Council did a wonderful job in assisting this event gain final approval. However, the Crown Land process, under which council must abide, is draconian and needs urgent addressing.

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		Similarly, there are times when beach and foreshore applications have proven cumbersome and of significant frustration to event operators. In 2022, NSW Beach Volleyball provided the following feedback: *The Wollongong event has been the most demanding in terms of Council applications ... We are very disappointed with how the planning went with Council and this will limit any future event or assisting our sports to grow in this area in high demand*'. Again, this is not a criticism of council staff, but the parameters which they're forced to work within, along with the interpretation of legislation. **Facilitating Bespoke Commercial Options** It would be hoped that the Plan can allow licensing and leasing of small hire and sale enterprises – especially along the Blue Mile, Northbeach, City Beach (Marine Drive) and the eastern frontage of WIN Stadium. The enterprises suggested include: bike hire, beach club facilities, food and beverage outlets and small tourism activations (eg stand-up paddle tours, surfing schools, massage marquee). Consideration in the establishment of these pop-up (and sometimes temporary) services, include necessary access to some parking/loading areas, storage and road access. The current processes are often long and drawn-out, onerous and over complicated for small operators. While there was a myriad of issues, the proponent of an aqua park in Wollongong Harbour pre-pandemic eventually gave up in frustration. The process should be efficient and relatively easy – not similar to what's required for a permanent structure – to allow small business to participate and to allow the Foreshore to be further activated to attract and service visitors. **Half-Court Basketball Precinct (2.1)** Prior to the redevelopment of the North Wollongong Surf Club, a proposal was developed to install a half-court basketball facility and other fitness equipment to the north of the Surf Club. At the time it was sensibly suggested that this occur once construction of the Breakwall and redevelopment of the Surf Club was completed, and the degraded construction-site land could be used. The Rotary Club of Wollongong had offered interest in fund-raising for this project. The project was reminiscent of Venice Beach (Los Angeles) and would complement the fitness uses of the area and provide another active community use of the lands. An alternative site along the beach frontages could be considered, if the North Wollongong Beach site is now not feasible. **Continental Pools (2.2)** It is suggested that consideration be given to development of the Continental Pools building – especially the old Caretaker's Residence, on the top of the change rooms. This area could be another Hospitality

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		offering (similar to the Bondi Icebergs pool) and provide another reason to visit the location. Providing some access to the facility from Cliff Drive would be an imaginative and innovative concept to reach this 'room with a view'. **Old Court House (2.13)** As Wollongong's oldest existing public building, DW recommends consideration of additional uses of the Old Court House to increase public access and appeal. One option would be to include a Visitor Information Centre at the site, to maximise this prime tourism location. In this option it is suggested that we Integrate as many current users as possible to ensure a vibrant venue and add changing exhibitions and events to attract visitors. In addition, we could consider some recreation of its heritage look and uses over the years – to contribute to the Blue Mile heritage story. **North Wollongong Beach signature activation (2.2)** It is hoped that the Plan of Management is able to accommodate the ability to utilise North Wollongong Beach for a maximum of one major event per year, for select reputation-enhancing events of national or international significance, as detailed in the Council-ratified Major Event Strategy (2021-26). North Wollongong beach is one of the most marketable destinations we have, and the holding of a major event per year (such as Corona Sunsets, which attracted 1 million world-wide views across digital platforms within 24 hours) would contribute money-can't-buy marketing of the city. **OTHER CONSIDERATIONS:** **Event-ready improvements (2.1, 2.5 & 2.8A)** Although the Plan allows for the holding of events in the Foreshore areas, it is recommended that an assessment of event requirements take place – that will result in attracting event organisers and minimising set-up time and public disruption at Stuart Park, Flagstaff Hill and Lang Park. The facilities that are expected to be needed include access to substantial power, increased ground drainage, truck access roads and pathways and either outdoor stages or facilities to allow for efficient installation of staging requirements. Even though it is accepted that major event organisers will often allow to bring in stages etc – there is a need to support community and smaller event organisers with some limited infrastructure (that could also be used by Council's own event team) as their funds are often limited. **Flagstaff Hill Fort (2.5)** The fact we have a significant heritage fort under Flagstaff Hill that is currently locked away, with the doors welded shut, is a missed

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		opportunity. It is recommended that an adaptive use of the Fort be considered. The Fort could be used as a kiosk, a visitor information outlet or similar, and be restored and activated as another heritage to attract visitors. The future use of this unique site could form a valuable part of a contemporary positioning statement and historical narrative for the city. Newcastle's Fort Scratchley has been fully restored and developed and now houses a replica gun. It is presented as a major attraction for Newcastle. **Cliff Road Battery (2.3)** The Cliff Road Battery includes two large and one small guns. These guns and casement area used to be cared for by members of the community in the past, however now the guns are corroding, and the area is both unsightly and not welcoming to visitors. There are also underground tunnels at this Fort and these and associated facilities could be made accessible to supervised tours. The appeal of the site would be increased through installing additional interpretive signage. **Directional and interpretive signage** Even though there is some good interpretive signage along the Blue Mile – it is suggested that consideration be given to additional interpretive signage to inform visitors of the area. Having Directional signage would also help visitors make their way to the area from the CBD and then move from *attraction* to *attraction* along the Foreshore. Particular areas that could benefit from this increased visitor signage include Stuart Park, Flagstaff Hill, Cliff Road Battery, the lookout over the Continental Pool (Cliff Road), Osborne Park and at the Continental, Ladies & Nuns Pools. **ASSOCIATED CONSIDERATIONS:** **WIN Sports and Entertainment Centres ((2.1, 2.16 & 2.8A)** DW assumes the Plan of Management will allow for the various items under consideration in the current NSW Government master-planning process of the WSEC precinct. Some examples of suggested improvements being considered (and DW supports) are the inclusion of use of the Entertainment Centre as a convention centre, outward-facing retail facilities on the reverse of the Stadium Eastern Hill and the creation of a coastal boulevard. Even though the WSEC is not included in the Plan, there are areas around the WSEC, that may be affected. **Wollongong Harbour (2.4)** It is understood that the Wollongong Harbour is not included in this plan, but mention should be made of the ongoing opportunity there is to create

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		a significant area of tourism interest at the Harbour – similar to San Francisco's Fisherman's Wharf. This could include integrating the commercial fishing, the reopening of the Fisherman's Co-op, increased commercial hospitality and retail outlets and maintaining the heritage aspects of the Harbour. Surrounding land packages in the plan may again be affected and may need to facilitate new activity. Destination Wollongong thanks Council for the opportunity to list its suggestions for the foreshore and hopes that the Plan of Management can accommodate these important developments. We are available to further discuss these suggestions.
13	Resident	The Plan of Management encompasses both the major northern cycling route to the CBD and the significant destinations of Stuart Park and The Blue Mile. This area's importance with another WCC 20,000 population forecast over the next 20 years and visitation growth from southwest Sydney. **Lang Park Crown Reserve Number 580097 and devolved Crown Reserve Lang Park 580097** I support integrating all of Lang Park in one management structure, integrated with foreshore management extending south to Bank Street and north to Puckey's Lagoon and Fairy Creek. Wollongong City Council should be the Crown Land Manager for both Crown Reserves. I note there are separate cycling and pedestrian paths in Lang Park. **Crown Reserve Number 580076 and City Beach Dunes** Beach access and dune vegetation should be managed to achieve: • continuous dune profile along the beach, • low risk of dune blow-outs • high coverage of native vegetation • effective weed control **Draft Wollongong Foreshore Plan of Management** Stuart Park should have cyclable path on eastern and northern side providing a car free route from the surf club to the NSW Coastal Cycleway and points north. This will improve access to youngest and oldest riding cohorts. • Stuart Park internal motor vehicle speed limit of 10 kmh is welcomed and supported. • The Virginia St cycle path should have safe and prominent connection with Stuart Pk. • Raised pathway crossing at Cliff Rd and George Hanley Drive is an appropriate and effective safety measure. • Extra People crossing from the expanded car park west of Squires Way should not introduce hazards to riders along the NSW Coastal Cycleway immediately adjacent to Squires Way.

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		• the works for expanded car park west of Squires Way should include planted shade trees. • Extra People crossing from car park west of Squires Way should not introduce hazards to riders along the adjacent NSW Coastal Cycleway. Council should plan and protect a future connection from Virginia St westwards to Montague/Ajax Streets over Fairy Creek, via utility routes and community land.
14	Resident Various emails in one 77-page submission	Key concerns, the draft POM is: • Disjointed • Poorly Structured • Includes statements which are misleading or incorrect particularly regarding uses, leases and licences • It makes subjective statements that should not be in a PoM My impression it was structured by / for Wollongong Council Staff. The document lacks evidence of community involvement in the development of the PoM. It also lacks input from various Council departments especially the outdoor parks and garden work groups. Suggesting a licence to replace a lease (Wollongong Golf Course) demonstrates a lack of understanding of how the land is used and maintained, and the requirements and restrictions between a lease and a licence. The whole document needs to be put through a community, independent approach similar to the 2000 PoM for Stuart Park. I recommend having a new committee chaired by a Councillor with an independent expert in community consultation and document writing to provide advice in document writing and structure and if necessary, oversee the redrafting of the document(s). The structure of the 2008 has much more clarity, functional and easier to read. It lacked some details, and included permitted uses which were/are not compatible with the reserve Purpose and Category of the land, which had a part to play in, it never being approved by Crown land. Many of the statements throughout the document, particularly with respect to use, are motherhood statements that are not specific to the area. The statements need to be more defined to what is there now and how it is actually used and if the current community standard is to not develop, or not to use, in a manner say Not Permitted. If it is currently an expectation by the community that certain things can happen, say Are Permitted. By saying something can be permitted later in life effectively at the whim of a Councillor or council office must not be in a PoM. Separation into sixteen Plans of Management allows each section to be modified without the need to modify the full document. It also makes it easier to follow the management requirements for each area without the

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		complexity of trying to sort through all the documents for the requirements and restrictions - as it is now, - and hoping to get it right. Include a Natural Area PoM covering Bank St to Flagstaff Point. and maps with all the types of land shown on same map (Crown, Council community Council Operational, Devolved Crown Land) Provide much more specific descriptions of the improvements on the land, future permitted uses, prohibited uses, etc with specific suggested alternate text for multiple PoM Information Schedules Generally, do not permit an increase in the intensity/scale of use of the PoM area – especially for Lang Park, Golf course and decrease it in Stuart Park. The core objectives of Community Land Category of Sportsground should be listed in the PoM Table 3. **Stuart Park – Skydiving** – orange cones not removed where there is no active landing – Skydive does not have DA approval to use Stuart Park as a landing zone. If they do – put it in the PoM. The Skydive licence does not permit landing on the lawn area – it uses DA98/617(am2) **Flagstaff Hill** - Treat as one land area (not 2 info schedules and heritage info in the appendix). Correct the Map on page 77 – it shows the wrong location of the cannon battery. **Include Operational Land** site of Wollongong Surf Club, Function Centre Restaurant and Kiosk in the PoM. **Lang Park –** make all of it one Lang Park Crown reserve - Crown land – the devolved, the council owned land. Give more details and do an annual Lang Park report to Council. Permit passive public recreation, increasing public recreational opportunities – an example of permitted development would be the construction of an outdoor basketball court or constructing additional picnic shelters. Permit community market stalls /historical re-enactments. Prohibit a kiosk in Lang Park. Prohibit installing public BBQs in Lang Park. Lang Park – have random patrols by Lifeguards and/or Rangers of Coniston Beach – safe use of safe surf use / dog off leash area. **City Beach Dunes / Flagstaff to Swan St -** Include in the PoM the details on a 1964 cyclone and more description of the dune's composition from the WEC to City Beach to Flagstaff rock pools in the PoM. For beach access and dune vegetation – manage to achieve a continuous dune profile along the beach, low risk of dune blow-outs, high coverage of native vegetation and effective weed control. Fund a dune management plan involving community-based groups and professional oversight. Prohibit the construction of permanent solid sea walls, including rock walls. Permit temporary walls, activities in the dunes if they improve the stability or size of the dunes – including variation of vegetation and elimination of "exotic weeds". **City Beach** - Land at Northern end of beach at the bottom of the stairs from the carpark **–** not shown on any map – who manages the land?

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		Nuns Pool – Land to North - area immediately to the north of the seawall adjoining the nun's pool – who manages this area? **Ladies Pool** – **to the north** – who manages this land? **Osborne Park** – do not permit leases and permit only a licence for casual events in designated areas shown by map in a separate plan of management. The PoM needs to detail the areas of the park that are culturally significant areas/items – the general descriptions are not adequate to comply with requirements of 36D. It may be that, that certain sections are culturally significant / have heritage value and other areas do not. Do not permit anything in Osborne Park that would conflict with the Wollongong Harbour Master Plan **Golf Course Land** – Floodway, Stormwater detention basin is the primary use. Golf is secondary use. • PoM should address all the Golf Course land – the Golf Club owned land, the Crown land, the Sydney Water Land. • The PoM should address "the primary reason for flooding of properties in South Wollongong - a floodway being blocked off – not maintained as per original purpose". • The PoM should include "the land has been re-profiled from the original over the life of the Golf Club use." • The PoM should include "a current 2024 review of the course profile." • The PoM should include a management objective "to re-establish and maintain the major floodway through the golf course". • The PoM should include a requirement for regular clearing the sludge from various ponds. • The PoM should only permit any reprofiling of grassed areas if they restore the floodway function as proven through a DA consent process in future. • The PoM should prohibit the filling of any ponds.

Wollongong City Foreshore PoM - Summary of Issues raised in Submissions

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
Entire PoM Area – Comment / Issue				
Support / Opposition / Observation – Exhibited draft PoM taken as a whole				
1	4 Ind 3 Orgs	• General Agreement / Support the PoM • Support Council's management of the Wollongong City Foreshore area. • It is a very comprehensive document	• Support of the PoM and Council's management of the Wollongong City Foreshore by Destination Wollongong & National Trust of Australia (NSW) Illawarra Shoalhaven Branch & St Marys Star of the Sea College is noted.	No

2	1 Ind	• Start over with sixteen different PoMs including a Natural Area PoM covering Bank Street to Flagstaff Point
		• Treat areas (Lang Park & Flagstaff Hill) part Council owned and part Crown land areas as one single PoM area.
		• Include Wollongong Surf Club, Function Centre, Restaurant and Kiosk in the PoM
		• Include the lands owned by the Wollongong Golf Course and the Sydney Water lands in the PoM.
		• provide better descriptions of condition of land, existing uses/developments on the land, permitted uses/developments/tenures.
		• prohibit commercial uses / development beyond the current cafes/kiosks/restaurants.
		• support not for profit uses/ development.
			• Opposition to the structure and content of the single PoM document is noted.
			• The PoM as exhibited meets legislative requirements of the Crown Land Management Act 2016 (CLM Act) and the Local Government Act 1993 (LG Act) and it is proposed to remain as a single PoM document.
			• A PoM is not required to cover Council owned land classified as operational land. The Wollongong Surf Club, Function Centre and Kiosk are located on operational land. A PoM cannot apply to land that Council is not the landowner or the Crown Land Manager.
			• There are no proposed changes in permitted uses, developments, or leases/licences from exhibited.
			  • A Land Types PoM Area Map series has been added to the PoM.
			  • A proposed restructured Section 2 *PoM Information Schedules* is in the PoM. The Schedules are now ordered by location (North to South) instead of by Land Type. Text explaining the structure of Section 2 is also in the PoM.
				Yes – Map added and minor structure change – does not change intent of PoM as exhibited. The PoM does not apply to operational land.

3	1 Ind	• Foreshore is not as inviting as it once was, through overuse it has lost warmth	• Noted.	No
4	1 Org 2 Ind	• This PoM should have been developed by a Council committee with NF5/member of public representation	• Opposition to PoM development process by Neighbourhood Forum 5 and 2 Individuals noted. • The PoM includes details on how the PoM was prepared and meets legislative requirements under the LG Act and CLM Act.	No

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
5	1 Ind	• use of term "exhibition" is misleading in the letter to adjoining landowners because the PoM is not a development proposal.	• The viewpoint was discussed in a telephone call with Council Staff during the exhibition period.	No
Entire PoM Area – Comment / Issue – Continued -				
Support / Opposition / Observation – Exhibited draft PoM taken as a whole				
6	1 Ind	• the PoM is too big to download at 43.8 MB. households do not have fast internet	• Hard Copies of the draft PoM were available at all Council Libraries and the Customer Service Centre at the Council Administration Building.	No
Requests for more or for something new (RM) – Exhibited draft PoM taken as a whole				
7 RM1	3 Ind	• Prioritise Pedestrians – all along the Blue Mile because pedestrians are coming into conflict with bike/scooter riders. o Provide a 5km/hr or 10km/hr speed limit. o Insist people walk with their bikes on the busiest stretches. o More Ranger patrols (e scooters should not be on footpaths) o Lower the car speed limit at crossroads near foreshore. o Provide easy pedestrian access to crossroads.	• Please note that NSW Road Rules dictate where our community can drive, walk, ride and scoot. Council is not able to enforce speeding of cars, e-bikes and illegal e-scooters), this is a matter for NSW Police. • Councils draft Wollongong Integrated Transport Strategy and Draft Wollongong Movement and Place Plan both speak to creating calmer streets and improved pedestrian crossings and Cliff Road and Foreshore will be considered for improvement subject to funding through Councils Infrastructure Delivery Program (IDP). • The Blue Mile shared path is part of the Grand Pacific Walk which is our city's primary north-south cycling route. Requiring cyclists to dismount and walk their bicycles on the most highly used cycling connection in our city would be difficult to operate. Cyclists must give way to pedestrians on the shared path (as per the NSW Road Rules) and with the large numbers of pedestrians using the Blue Mile path, it is important for cyclists to ride appropriately and give way where required. o Council is investigating some line marking and/or signage changes in the section of the path from the Continental Pool to the cutting at North Beach, to improve safety and legibility for users. As part of this exercise, we will consider additional signage to encourage cyclists to share the path and give way to pedestrians. o Council has also worked with NSW Police on community awareness campaigns on the Blue Mile, targeting e-scooter riders and cyclists, where warnings and infringements were issued for unsafe/illegal riding behaviour. • The e-scooters that are part of the TfNSW Shared E-scooter Trial have set speeds that cannot be exceeded. Only these e-scooters are currently legal for use in our	No – operational matter. However, the draft Wollongong Integrated Transport Strategy is now referenced in the Supporting Documents Table in the PoM Appendix.

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
			LGA. On shared paths, e-scooters can ride at a maximum speed of 10km/h. This is controlled by the scooter and the use of geo-fencing. • Speed zones are controlled by TfNSW. Following a speed limit review initiated by Wollongong City Council, the speed limit along Cliff Road from Stuart Park to George Hanley Drive has been reduced from 40 km/h to 20 km/h, to improve safety for all road users. Council has a remaining request being considered by TfNSW to lower the speed along the length of Cliff Road. The existing speed limit was reviewed by Transport for NSW in consultation with Council and NSW Police and is in accordance with the NSW Speed Zoning Standard. The review is based on a comprehensive proposal by Council, which includes upgrades and changes to the local Wollongong foreshore area, such as the addition of an all-abilities playground which was installed in late-2023. • Instances of speeding or other illegal behaviours such as hooning and burnouts should continue to be reported to the NSW Police Assistance Line on 131 444, which operates 24hrs a day, 7 days per week. • We remain committed to working proactively with the community to deliver the message that it is the responsibility of all people to "Share The Path". This information is conveyed on our website and is reinforced through our media and social network channels. The "Share The Path" campaign and other useful information can be found on our website at Using Our Shared Pathways | City of Wollongong.	
8 RM2	1 Ind	• More tree branch trimming is needed along a footpath or cycleway. Any hanging over tree branch presents a hazard when at pedestrian or cyclist height	• Report any damaged or hanging tree branches affecting the use of footpaths and the cycleway by calling 4227 7111 or through Council's Report it functions on our website (Report an Issue | City of Wollongong and/or Trees, Grass and Plants | City of Wollongong)	No – operational matter
9 RM3	1 Ind	• Some dog owners are not picking up their poo along the blue mile. [*taken as request for more patrols or awareness campaign*]	• Council's Animal Compliance Officers randomly patrol along beaches and parks (including the Blue Mile) throughout the entire Local Government Area. Fines can be issued to people with dogs who do not follow the rules. • Report general dog or owner misbehaviour like a dog being off leash in public or being in an area where dogs are not allowed by calling 4227 7111 or through Council's Report it functions on our website (Report an Issue | City of Wollongong and/or Animal Issues | City of Wollongong • Part of being a responsible dog owner (Dogs | City of Wollongong) is appropriately managing your dog's waste.	No – operational matter

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
10 RM4	1 Org 3 Ind	• Consider timed and paid parking along foreshore with discounts for residents and ratepayers of Local Government Area. o Individuals identified Cliff Road as the area in need of timed and paid parking (2) o Another identified Stuart Park for timed and paid parking. (1)	• Parking is an operational matter beyond the scope of the PoM. • Council is undertaking a trial of timed parking at Austinmer Beach carpark, Flagstaff Point car park, Port Kembla Beach pool carpark and Bald Hill (part of car park) Timed Beach Parking | City of Wollongong o Data is being collected from the trial to inform whether this arrangement stays in place permanently and if it should be extended to other foreshore locations. o Council is also studying how people move around and to the Wollongong Foreshore to inform future management strategies to meet demand for access, movement and parking along the Wollongong Foreshore. o Timed parking is an effective means to optimise parking in areas of high demand, supporting parking turnover which ensures continued trade viability in the area, and maximises the number of people who can access the subject area. o Council also encourages our community to consider alternative modes of travel to foreshore destinations such as walking, cycling and public transport.	No - operational matter
11 RM5	3 Ind	• Create more accessibility throughout the foreshore facilities, beaches, parks while maintaining the existing accessibility along the foreshore because everyone with limited mobility (Seniors, disabled and families with prams) needs it (2 of 3) • Provide disability access ramps from the Tramway to the beaches in the Wollongong Harbour precinct between the Continental Pool and Brighton Lawn by working with Transport NSW (1of 3)	• Council' Disability Inclusion Action Plan and our Beach and Foreshore Access Strategy guide improvements to increase accessibility across the Local Government Area and along the foreshore and are referenced in the PoM specifically as Council Supporting Documents in Appendix 1 Table 1. o For example, Council's draft Asset Management Plan 2025 -2035 identifies an opportunity to develop a strategy for improving accessibility of footpaths and shared paths to meet the objectives of the Disability Inclusion Action Plan.	No Already in the PoM
12 RM6	1 Ind	• Invest in better signage showing clearly where toilets are located along the foreshore	• The foreshore has existing wayfinding and place-based signage at a level much higher than in other parks and beaches across the Wollongong Local Government Area. • Council's Public Toilet Strategy includes the action: o Consistent signage and information on public toilet availability and location is promoted and accessible to the community. • The suggestions to enhance the current level of signage in relation to public toilet locations and places of tourist interest across the foreshore have been provided to	No operational matter

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
			the Manager Infrastructure Strategy and Planning as feedback to consider as assets within the PoM area are managed throughout their asset lifecycle guided by: o Council's 10-year Community Strategic Plan o The associated 10-year Asset Management Plan and o The update each year of Council's four-year Delivery Program and Annual Budget.	
13 RM7	Ind	• Rusting handrails along the foreshore need maintenance. [*taken as request for higher level of maintenance service*]	• The handrails along the Blue Mile / Tramway coastal walk are marine grade stainless steel. Marine grade stainless steel is a hardy material suitable for the marine environment. The "rusting" you have observed in some locations is "tea staining" and some consider this a more natural look in the marine environment. o The tea staining observed along the foreshore in 2025 is cosmetic in nature and subject to available Council resources and maintenance priorities, periodic polishing and washing down with fresh water could be undertaken to reduce tea staining. However, given the large number of beaches, parks, open spaces and sportsgrounds Council is responsible for, this is a low priority unfunded maintenance issue.	No operational matter
14 RM8	1Ind	• Tree Vandalism - Commit more to tackling	• Damaging trees and plants on public land is a serious criminal offence. Tree vandalism can include poisoning, pruning, ringbarking, burning, removing or destroying plants. If you've seen anyone vandalising a tree or plant, you can report it to Council online Trees, Grass and Plants | City of Wollongong or contact the Police on 131 444. • Within the PoM area there are existing signs regarding the impact of tree vandalism and reporting acts of tree vandalism can enable Council to seek the community's assistance and increase awareness of the impact of vegetation vandalism along the foreshore.	No operational matter
15 RM9	1 Ind	• The PoM should mention litter management. [*taken as request for more actions in regard to litter management across PoM area*]	• Report any problem with a public bin, or litter/rubbish in a public space by calling 4227 7111 or through Council's Report it functions on our website (Report an Issue | City of Wollongong and/or Rubbish and Recycling Issues | City of Wollongong) • Wollongong-City-Council-Community-Satisfaction-Survey-2023-Report.pdf identifies public bin collection as a direct Council waste service that has recorded a high average satisfaction rating at 3.99 on a 5-point scale (1 being – "not at all satisfied" to 5 being "very satisfied"). This service has been part of the community satisfaction survey since 2021.	No operational matter

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			• Council runs and supports several programs to try and reduce litter across our city Litter | City of Wollongong One program described on Council's website is Drain Buddies, a collaboration between Council, the Surfrider Foundation and the Cleanwater Group, where 12 drain buddies (heavy duty baskets) have been installed around Wollongong harbour, fitting into stormwater pits, catching litter while allowing water to flow through.	
16 RM 10	1 Org	• Need pop up, bespoke commercial uses, services for residents and visitors along the Foreshore (entire PoM area). These small operators need accessible and streamlined processes to facilitate this type of use. Examples include: o bike hire o beach club facilities o stand-up paddle tours o massage marquee	• Destination Wollongong's desire to create opportunities for bespoke commercial services along the foreshore for small operators is noted. The foreshore area is a very much-loved recreational space and bespoke commercial uses, services would need to be: o consistent or ancillary to the relevant Crown reserve purpose for any proposed location of a bespoke commercial use, and o consistent with Council supporting documents, and o consistent with Council policies (like procurement, unsolicited proposals, leasing and licensing of public land and others) and o consistent with the PoM and any other applicable legislation relating to the use or development of land.	No
17 RM 11	1 Org	• Event Management Needs review - To simplify process all along foreshore including making areas more event ready for faster set and set down to support all types of event organisers (community/smaller event organisers and world class event providers)	• Council has recently exhibited for public comment a Planning Proposal – Exempt Temporary Events and Review of the Wollongong Development Control Plan 2009- Chapter C6 Events Management. The aim of the planning proposal is to reduce the approval steps under the Environmental Planning and Assessment Act 1979 for hosting a commercial and/or community based event on Council owned and/or Council managed land (this includes Crown land where Council is the Crown Land Manager and road reserve where Council is the road's authority). At a future meeting of Council, the community feedback on the Planning Proposal will be considered before Council decides the matter. • Council is also considering requesting to become the Crown Land Manager for the devolved Crown reserve at the northwest corner of Lang Park and to include the reserve under the PoM. This would simplify the events approval process for events within the PoM area requiring only Council approval instead of both Council and Crown Lands approval for the temporary event use of the small northwest corner of Lang Park.	Yes – the inclusion of the exhibited PoM Information schedule for Lang Park 580097 subject to becoming the Crown Land Manager under the CLM Act
18 RM 12	6 Ind	• Plant more local native (indigenous) grasses, shrubs, flowering plants, and trees instead of planting non-native grasses,	• Council notes the requests to have more native plantings in parks and open spaces.	No – Permissible in PoM and

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
		shrubs, flowering plants and trees because this will lead to ecological gains and cost savings as native plants typically require less watering, upkeep within the PoM area. For example, the grey headed flying fox relies on the winter flowering Banksia integrifolia that is along key Wollongong foreshore areas.	• Natural Area Management is one of the thirty-three services provided by Council to support the delivery of vision and goals set out in the 10-year Community Strategic Plan. The service includes the management of approximately 286ha of natural areas across a variety of parks and foreshore areas including areas under the PoM. The PoM permits natural area management activities. • Council's Urban Greening Strategy and the Climate Change Adaption Plan acknowledge native tree species have a role to play in to increase shade and assist us to adapt to climate change in our public spaces. These supporting documents are included in the PoM.	relevant supporting documents referenced in the PoM.
Requests for No Change (NC) – across entire PoM Area				
19 NC1	1 Ind	Keep parking free for everyone using the Wollongong City Foreshore PoM area beaches and parks	• Noted.	No – operational matter
20 NC2	1 Ind	Maintain views of Escarpment from key foreshore parks within the PoM area - High, Medium rise buildings are more often blocking the escarpment and mountains view from foreshore areas; a key defining feature of Wollongong	• A PoM can only seek to address what occurs within the PoM area using the community land management provisions in the Local Government Act 1993 and the Crown Land Management Act 2016. • The type of development surrounding the City Foreshore PoM Area is a function of the NSW Planning regime under the Environmental Planning and Assessment Act 1979. This Act is referenced in Appendix 1 *PoM Legislative Framework.* • The PoM permits built improvements in accordance with a Council endorsement Masterplan. In 2025 there are 2 Council endorsed Master Plans: o The 2023 Stuart Park and JP Galvin Master Plan o The 2008 Blue Mile Master Plan applies to the rest. • The PoM notes that there is a planned future Lang Park Master plan that will guide future improvements subject to Council endorsement. o Development of any Master Plan within the PoM area will have its own separate community engagement process and there will be opportunity to comment on any draft Masterplan before Council makes a decision.	No
Requests for Prohibitions (RP) – across entire PoM Area				
21 RP1	1 Ind	• prohibit commercial uses / development beyond the current cafes/kiosks/restaurants across entire PoM area.	• There are no proposed changes in permitted uses, developments, or leases/licences from exhibited. • Being permissible under this PoM, does not commit Council to any development or investment in a particular Crown reserve or Council owned land area, but it	No.

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			enables consideration of the identified possible uses and developments subject to relevant processes.	
22 RP2	1 Ind	• Prohibit a skate park and any new unsympathetic structure like the surf club/function centre built in 2000s across entire PoM area.	• See reply above for 18 RP1.	No
PoM Section 2.1 Stuart Park Crown Reserve 580060 PoM Information Schedule – Comment / Issue				
Support / Opposition / Observation - Stuart Park Crown Reserve 580060				
23	2 Ind	• Stuart Park – Support Recent Improvements o Love all abilities playground, water fountains. o The raised pathway crossing at Cliff Road and George Hanley Drive is an effective safety measure. o Internal motor vehicle speed limit of 10 km is welcomed	• Support of improvements in Stuart Park is noted.	No
Requests for more or something new – Stuart Park Crown Reserve 580060				
23 RM 13	1 Org 3 Ind	• Stuart Park - Tree Planting and Shade o More shade is needed along footpaths and picnic places. o Council should do future planning to identify where additional shade trees should be planted along footpaths and in the most popular gathering places. o The section from the playground to lagoon and the pines is a goat track and needs more trees. o The possible works for expanded car park west of Squires Way should include planted shade trees.	• The request by Neighbourhood Forum 5 and 3 Individuals for more shade planting in noted. • The Stuart Park PoM Information Schedule includes a description of the Stuart Park / JP Galvin Master Plan main points, some provided guidance on increasing shade plantings: o The adopted 2023 Master Plan seeks to: ▪ Enhance the intrinsic qualities of the park by retaining the current park structure. • features enhanced vegetation management on the front dune and estuarine area, whilst maintaining the current level of natural area plantings that bound Squires Way and George Hanley Drive ensuring that the natural feel and biodiversity of the area is maintained. • Opportunities for native grass and tree plantings will be pursued where integration with infrastructure and key activity nodes is desirable, for example, playground, sensory trail, picnic areas.	No

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			• Planting of trees in the park should be cognisant of the operation of events and other commercial activities.	
24 RM 14	1 Org 1 Ind	• Stuart Park – More Picnic Shelters and BBQs to meet demand. o More BBQs towards the North Beach Surf Club and other parts of foreshore to lessen the use of coal	• The request by Neighbourhood Forum 5 and another Individual for more picnic shelters and BBQs in noted. • The Council endorsed March 2023 Stuart Park Master Plan includes the possibility to provide more shelters, BBQs, seats, taps, lighting, trees, recycling and coal bins. o New BBQs and shelters locations are depicted in locations away from existing shelters along the foreshore. o The Master Plan will guide future improvements within Stuart Park and JP Galvin Park. • There are no current plans to increase the number of BBQs along other parts of the City foreshore.	No
25 RM 15	1 Ind	• Stuart Park - Designated Path Needed - from the Squires Way entrance and around past the lagoon and heritage pines to North beach	• The Council endorsed March 2023 Stuart Park Master Plan includes the possibility to upgrade the footpaths and build a footpath around the park perimeter including boardwalk / decking near the lagoon and heritage pines area. o Funding improvements under the Master Plan is subject to separate processes of Council. o It is hoped that the Master Plan will assist Council in securing grant funding for future improvements.	No
26 RM 16	1 Ind	• Allow people from Puckeys to cross the often dried up lake to get to Stuart Park. o You can get down to the beach from Puckey's to Stuart Park at this location, o erosion makes it hard to get back up to return track. o Establish an on-leash area to allow people to return to Stuart Park from Puckeys. o Puckeys feels dangerous to dog walkers – homeless people related	• The Wollongong City Foreshore PoM applies to Stuart Park and does not apply to Puckey's Estate. o The PoM permits improvements to implement any Council endorsed Master Plan. ▪ The Stuart Park Master Plan endorsed by Council in March 2023 does not include a built link with Puckeys along the east boundary of Fairy Lagoon / Fairy Meadow Beach. • Puckeys Estate Nature Reserve is an annex of Wollongong Botanic Garden. It is a rare coastal habitat that includes rainforest, dunes and marshland. It is home to around 130 different types of birds, and several endangered plant communities. o There is a 1.5 km network of boardwalks and informal paths, from Fairy Creek Bridge on Squires Way in the south, through to Elliotts Road, Fairy Meadow. Squires Way, through the shared pathway, is the link between Puckey's Estate and Stuart Park.	No

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			▪ This link is a western one, not a link to the east as you are requesting. ▪ The Fairy Lagoon / Fairy Beach coastal area is not suitable for the built linkage you are proposing. • Council works with social services and NSW Police to address homelessness in our public spaces. If members of the public observe any risks to the public, they should report it to the NSW Police.	
27 RM 19	1 Ind	• Allocate two parking spaces as part of the paid booking process for a hut / picnic shelter in Stuart Park. This would enable safer set up/pack up when unloading/loading from the vehicles to the picnic shelter that they have booked for their special birthday / family reunion. • It would be a great idea to add a few additional huts, with power in Stuart Park as well because it is becoming much harder to organise a party, not knowing if you can get a spot (hut) to cater.	• Picnic shelters are a whole of community resource throughout Council's entire system of over four hundred parks and open spaces. Shelters are available for use by anyone on a first in or availability basis on the day. • Council does take park bookings for the use of a park's green open spaces when there are more than fifty people gathering for an occasion. Bookings by large groups is monitored by Council to ensure that a particular park is not over booked in relation to large gatherings, community wide events or sporting carnivals. • The Stuart Park & JP Galvin Park Master Plan does make provision for additional shelters. The PoM permits the implementation of any Council endorsed Masterplan. Details on the Masterplan endorsed by Council in March 2023 are included in the PoM.	No
28 RM 20	1 Org	• Stuart Park - More Signs Needed Directional & Interpretive	• The foreshore has existing wayfinding and place-based signage at a level much higher than in other parks and beaches across the Wollongong Local Government Area. • The suggestions to enhance the current level of signage in relation to Stuart Park and places of tourist interest across the foreshore have been provided to the Manager Infrastructure Strategy and Planning as feedback to consider as assets within the PoM area are managed throughout their asset lifecycle guided by: o Council's 10-year Community Strategic Plan o The associated 10-year Asset Management Plan and o The update each year of Council's four-year Delivery Program and Annual Budget	No
29 RM 21	1 Org	• Proposes creation of half-court basketball and fitness activation north of North Wollongong Surf Club or alternate site along the beach frontages if North Beach site not feasible	• Council has resolved "that a future site be identified in the broader Blue Mile area and surrounds for a half-court basketball court and workout park to enable grant opportunities to be pursed" as part of minute 802 at its meeting of 20 March 2023 as part of the resolution on the Post Exhibition – Draft Stuart Park Master Plan. Therefore, a half basketball court and workout park cannot be located north of the	No

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			North Beach Surf Life Saving Club as the building is within the Stuart Park Crown Reserve.  ITEM 3 - POST EXHIBITION - DRAFT STUART PARK MASTER PLAN 302 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Walters that - 1 The Stuart Park and JP Galvin Park Landscape Master Plan be adopted. 2 The draft Implementation Plan be noted. 3 That a future site be identified in the broader Blue Mile area and surrounds for a half-court basketball court and workout park to enable grant opportunities to be pursued. • It may be open to Council in the future to consider a potential half-court basketball court and workout park within another area under the Wollongong City Foreshore PoM, however, being permissible under this PoM, does not commit Council to any development or investment in a particular Crown reserve or Council owned land area, but it enables consideration of the identified possible uses and developments subject to relevant processes.	
30 RM 22	1 Ind	• To address the litter in JP Galvin Park on the weekends, install boom gate and charge entry fee to better manage or remove BBQs and shelters	• Report any problem with a public bin, or litter/rubbish in a public space by calling 4227 7111 or through Council's Report it functions on our website (Report an Issue | City of Wollongong and/or Rubbish and Recycling Issues | City of Wollongong) • Wollongong-City-Council-Community-Satisfaction-Survey-2023-Report.pdf identifies public bin collection as a direct Council waste service that has recorded a high average satisfaction rating at 3.99 on a 5-point scale (1 being – "not at all satisfied" to 5 being "very satisfied"). This service has been part of the community satisfaction survey since 2021. • JP Galvin Park (the foreshore area of Stuart Park nearest to the North Beach Surf Life Saving Club Building) benefits the community and there are no plans to remove shelters or charge entry fees.	No
31 RM 23	1 Ind	• Stuart Park – Improve Stuart Park like Berry's Boongaree Rotary Nature Play Park – existing play areas could be even better.	• The play facilities within Stuart Park and at Boongaree Rotary Nature Play Park are both high quality community assets that respond to their respective local settings. The Council endorsed Stuart Park Master Plan (March 2023) will guide future improvements.	No

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32 RM 24	1 Ind	• Stuart Park – Improve Stuart Park – add a BMK/MTB track for young preteens near existing play area	• The Council endorsed Stuart Park Master Plan (March 2023) will guide future improvements. A BMX/MTB track is not proposed	No
33 RM 25	1 Ind	• Stuart Park – More Cycle paths – o Include cyclable path on eastern and northern side to provide a car free route from the surf club to the NSW Coastal Cycleway and points north – improving access to youngest and oldest riders. o The Virginia St cycle path should have safe prominent connection with Stuart Park with a connection westward from Virginia Street to Montague/Ajax Streets over Fairy Creek as well. o Extra people crossing from the possible expanded car park west of Squires Way should not introduce hazards to riders along the NSW Coastal Cycleway immediately adjacent to Squires Way.	• The Council endorsed Stuart Park Master Plan (March 2023) will guide future improvements. The Master Plan does envision better access between Squires Way and George Hanley Drive near the intersection with Virgina St, but it does not speak to additional cycle paths. o Council's **Wollongong-Cycling-Strategy-2030** is the Supporting Document that guides strategic planning for cycle paths and is listed in the PoM in Appendix 1.	No
Requests for Prohibitions (RP) – Stuart Park Crown Reserve 580060				
34 RP3	1 Org 5 Ind	• Prohibit Skydiving from Stuart Park o Consider relocating this activity entirely to Dalton Park as it is already a site used for skydiving as an alternate site to Stuart Park o The history of the use of Stuart Park for skydiving through licence, lease, development consents and enabled through past PoMs is contested and the intensive use of the former cricket oval / village green / primary events area is not a shared use of the area.	• The opposition to skydiving in Stuart Park by Neighbourhood Forum 5 and 5 Individuals is noted. • Sky diving is a commercial recreational activity within Stuart Park that is permitted in the exhibited draft PoM, and in the proposed amended PoM (Attachment 6). • Subject to the adoption of the draft City Foreshore Plan, a competitive tender process for a commercial recreational activity is proposed to be undertaken by Council. • The PoM as exhibited meets legislative requirements of the Crown Land Management Act 2016 (CLM Act) and the Local Government Act 1993 (LG Act). Crown Lands review of the draft PoM did not require any change to the permitted use of skydiving as a recreational commercial activity.	No - the exhibited PoM permits skydiving in Stuart Park and this remains in the proposed amended PoM. The proposed

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
		o The use is not consistent with a Crown reserve with a public park or public recreation purpose or the community land category of Park. o Prohibit Skydiving in Stuart Park or ensure the business is paying a fair and reasonable rental and dollar amount per jump based on the pricing model of similar skydiving operations elsewhere. (1 of 5) Prohibit Skydiving from Stuart Park	• Section 2.17 of the CLM Act addresses commercial uses of Crown land where there is dedicated or reserved land for public use (public recreation / public park would be an example of a dedication or reservation for public use) **CLM Act Section 2.17 *Effect of dedication or reservation for public use*** The dedication or reservation of Crown land under this Part for a purpose that permits or requires its use by members of the public does not— (a) prevent the holder of a holding over the land from using it for commercial purposes, or (b) prevent the person responsible for the care, control and management of the land from charging fees for the use of the land by members of the public (provided the fees collected are used in accordance with this Act), or (c) entitle members of the public to have unrestricted access to the land (particularly, in relation to any part of the land under a holding). • Sky diving is required to comply with any development consent under the Environmental Planning and Assessment Act 1979 and with the terms of the lease of the Caretaker's Cottage and the licence of the landing area within Stuart Park made under the Crown Lands Act 1989. • The sky diving related lease and licence agreements contain holding over provisions so the length of term of the tenures includes reference to "holding over". o Holding over provisions are not uncommon in tenure agreements, and they apply to other existing tenures within Stuart Park (Illawarra Live Steamers and Pines Surfing Academy) and this is also referenced in the Plan of Management. • The LG Act defines the community land categories that can be applied through a plan of management. Park, Sportsground, Park, General Community Use and Area of Cultural Significance and Natural Areas. When preparing the PoM, Council considered both the LG Act core objectives and the LG Regulation guidelines in regard to applying community land categories to land under the PoM. In addition, as Stuart Park is Crown land, Council considered the Guide for Initial Categorisation of Crown Reserves. o On balance, the park community land category is the appropriate category to apply to the majority of Stuart Park (including the area used for skydive landing through a licence not a lease). The Local Government (General) Regulation 2021 guidelines for categorisation for park and sportsground are as follows:	amended PoM does include an updated description of the use of cones during skydiving operations in the PoM Information Schedule as follows: *There is a practice of putting out orange cones for safety and awareness during operations.* No - the exhibited PoM permits skydiving in Stuart Park, and this remains in the proposed amended PoM.

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
			▪ **Park:** The land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive **or active recreational**, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others. ▪ **Sportsground:** The land is used or proposed to be used primarily for active recreation **involving organised sports** or the playing of outdoor games. • Under the PoM the only land categorised as Sportsground is the portion of Lang Park forms part of the Wollongong Golf Club's golf course – this is like a football club using a footy field. They are using the land to undertake competitive organised sport. o Crown Lands, through the draft PoM review process during most of 2024; approved the application of the Park category to the skydiving landing area in Stuart Park. o Crown Lands also approved the application of the General Community Use category to the caretaker's cottage in Stuart Park being used for skydiving operations through a lease. o Crown Lands as the landowner is the final arbitrator of which community land category is appropriate for an area of Crown land under a plan of management prepared in accordance with the CLM Act.	
35 RP4	1 Ind	• Stuart Park – Prohibit any commercial activity that restricts passive recreation use by the public.	• There are no proposed changes in permitted uses, developments, or leases/licences from exhibited. • Being permissible under this PoM, does not commit Council to any development or investment in a particular Crown reserve or Council owned land area, but it enables consideration of the identified possible uses and developments subject to relevant processes.	No
36 RP5	1 Ind	• Prohibit building a multi-level car park where the North Beach carpark is currently located	• Like the North Beach Surf Life Saving Club building, the North Beach car park is within Stuart Park. • The PoM permits a multiple level carpark at the North Beach car park location. o It may be open to Council in the future to consider a potential multi story car park in this location, however, being permissible under this PoM, does not commit Council to any development or investment in a particular Crown reserve or Council owned land area, but it enables consideration of	No

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			the identified possible uses and developments subject to relevant processes.	
37 RP6	2 Ind	• Prohibit a re-sign of the Lagoon lease, whenever it finishes. (1 of 2) • Ensure that the lease to the Lagoon Restaurant is set at a commercial rate without having to wait for the present lease to expire (1 of 2)	• The Stuart Park POM Information Schedule includes the following information on the Lagoon Lease: o Lease to Emibarb Limited for Kiosk, bistro and restaurant (11/7/2006 – 10/7/2026) of Leased Area of 1402.81 Sq/M and a nonexclusive licenced Area of 643.17 Sq/M for use in conjunction with the kiosk, bistro, restaurant. • Subject to the adoption of the PoM, near or shortly after the end of lease date of 10/7/2026, a competitive tender process for a commercial operator for the kiosk, bistro and restaurant is proposed to be undertaken by Council. • Council's process for rental of commercial premises includes obtaining independent market rental valuations and following our procurement process.	No
PoM Section 2.1a **Council Land – George Hanley Drive / Virginia Street** PoM Information Schedule – Comment / Issue				
There were no comments received for this Council Community Land Area.				
PoM Section 2.2 **"North Beach" North Wollongong Surf Life Saving Club Crown Reserve 71482** PoM Information Schedule – Comment / Issue				
Support / Opposition / Observation – "North Beach" North Beach Wollongong Surf Life Saving Club Crown Reserve 71482 (*Surf Club is in Stuart Park* 580060)				
38	1 Org	• North Beach Surf Club is included in State Heritage Register Item 017237 – Correct Heritage Maps • Replace "Live" with "Life" in Schedule Heading	• Typographical errors identified by National Trust of Australia (NSW) Illawarra Shoalhaven Branch have been corrected.	Yes
39	1 Org 1 Ind	• mention the Gentleman's rock pool in more detail in the PoM: o it forms part of State Heritage Item 01823, includes an access ladder, steps. o there is a significant increase in patronage	• The "Gentlemen's Rock" pool is one of nine rock pools maintained and included in Council's strategic supporting document **Future-of-Our-Pools-Strategy-2014-2024**. There is no lifeguard service at any of the nine rock pools. Maintenance of these nine rock pools centre around managing sand build up. Fortunately, the Wollongong Gentlemen's Rock Pool is not typically subject to sand build up requiring regular maintenance like has occurred at Bulli and Towradgi in recent years. • The PoM as exhibited includes mapping of the area where the State Heritage Item 01823 applies and it includes the Gentlemen's Pool.	Yes – links to the Future of Our Pools Strategy are included in the Schedule.

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40	1 Ind	• I've heard some groups have entitled access to Continental Pool Meeting Rooms.	• The Continental Pool Meeting rooms are available for booking by any person or any group via on line at Park or beach booking enquiry or by calling Council on 4227 7111.	No
41	1 Ind	• Remove Sign Discouraging Use of Public Toilets at the Continental Pool – I talked with a young family who were told to move on to other toilets. The pool is a public space and should be accessible to all. Just remove that negative signage. It will not get inundated by the public if sign is removed	• This signage is proposed to be removed	No
Requests for more or for something new - "North Beach" North Beach Wollongong Surf Life Saving Club Crown Reserve 71482 (*Surf Club is in Stuart Park 580060*)				
42 RM 26	1 Ind	• Blue Mile - needs shade on seating areas – gets very hot	• The importance of shade and sheltered seating areas across the Blue Mile area is acknowledged. With a warming climate, improved and additional sheltered areas are required to allow visitors to enjoy this area for longer whilst reducing exposure to the sun and improving overall comfort. • Improvements in shade / sheltered seating areas in planned infrastructure works along the Blue Mile will be considered.	No
43 RM 27	1 Org	• Consider commercial uses in addition – not subtraction)- of existing uses of Continental Pool facilities (former Caretaker's residence)	• The PoM does not prohibit consideration of commercial uses, nor does it prohibit the consideration of community uses of the Continental Pool facilities. o Decisions specific to the use, development and management of each Crown reserve or Council owned Community Land Area, while needing to be consistent with the PoM, are progressed through separate processes.	No
44 RM 28	1 Org	• Continental Pool - More Signs Needed Directional & Interpretive	• The foreshore has existing wayfinding and place-based signage at a level much higher than in other parks and beaches across the Wollongong Local Government Area. • The suggestion to enhance the current level of signage in relation to the Continental Pool and places of tourist interest across the foreshore have been provided to the Manager Infrastructure Strategy and Planning as feedback to consider as assets within the PoM area are managed throughout their asset lifecycle guided by: o Council's 10-year Community Strategic Plan o The associated 10-year Asset Management Plan and	No

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			o The update each year of Council's four-year Delivery Program and Annual Budget	
45 RM 29	1 Ind	• Continental Pool - Put ice cream / gelato van where the food truck trial was conducted just south of the Pool building	• The PoM does not outright prohibit consideration of commercial uses such as an ice cream van in that location; however, Council's. Mobile-Food-Vending Policy would apply to any future proposal. This location is not included in this policy as of 2025 So the "consistent with Council Policies criteria" for PoM permissible uses is not met at this time. o Decisions specific to the use, development and management of each Crown reserve or Council owned Community Land Area, while needing to be consistent with the PoM, are progressed through separate processes.	No
46 RM 30	1 Org	• North Beach should be the location of an Annual World Class event (Commercial or Other)	• The PoM does not prohibit consideration of North Beach being the location of an annual world class event (Commercial or otherwise). • Decisions specific to the use, development and management of each Crown reserve or Council owned Community Land Area, while needing to be consistent with the PoM, are progressed through separate processes.	No
47 RM 31	1 Org	• Request to use part of "North Beach" Crown Reserve 71482 that adjoins Crown Reserve Brighton Lawn to leave our Outrigger Club Canoe. We have a single six-man outrigger Canoe. We train 3 days a week and have full insurance. The canoe would not interfere with public space and be placed so as not to interfere or inconvenience anyone.	• Any current use of any part of Crown Reserve 71482 for vessel "storage" or vessel "chain up" is not through a tenure agreement or any other type of Council approval. Use of the area for such a use is at the risk of the individual user as the area is subject to coastal hazards and is not suitable for installations of storage facilities, providing opportunities for theft of property.	No
PoM Section 2.3 **Battery Park Crown Reserve 72138** PoM Information Schedule – Comment / Issue				
Support / Opposition / Observation – Battery Park				
48	1 Organisation – Rotary Club of Wollongong	• Battery Park - The plans sound great. Nothing from our end to add. Look forward to the completion [of Conservation Management Plan that includes Battery Park as part of the fortifications for/in Wollongong Harbour]	• Support of the PoM and of the Heritage Strategy to prepare a conservation management plan that includes Battery Park is noted. A draft Conservation Management Plan for the fort installations at Flagstaff Hil and Battery Park is in preparation	Yes – no change in intent – included Action 8.4 of Council's Heritage Strategy in PoM

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Requests for more or for something new (RM) – Battery Park				
49 RM 32	1 Org	• Consider addressing corroding guns/casements and opening tunnels to supervised tourists (Commercial or Other).	• Under the PoM it is open for Council to consider measures to conserve the heritage features of Battery Park and new uses, developments, activities (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) and consistent with the Crown reserve purpose and consistent with the reserve's heritage value is permitted. • As noted in other replies, being permissible in a PoM, provides opportunity to consider, not a commitment of resourcing.	No
50 RM 33	1 Org	• More Signs Needed Directional & Interpretive	• The foreshore has existing wayfinding and place-based signage at a level much higher than in other parks and beaches across the Wollongong Local Government Area. • There is existing Heritage Interpretive Signage within Battery Park visible from Cliff Road and the footpath.	No
PoM Section 2.4 **Brighton Lawn Crown Reserve 40908** PoM Information Schedule– Comment / Issue				
Support / Opposition / Observation – Brighton Lawn Crown Reserve 40908 (*Belmore Basin*)				
51	Individual	• Categorise the area as Park – General Community Use category is not suitable as there are no community gardens.	• The General Community Use community land category applies to the Kiosk within Brighton Lawn Crown Reserve 40908 as a result of the Crown Lands review of the PoM.	No
Requests for more or for something new (RM) – Brighton Lawn Crown Reserve 40908 (*Belmore Basin*)				
52 RM 34	Individual	• The toilets behind Levedi – at Belmore Basin - are very poor especially for young families. o High quality toilets are vital for tourism and are needed here similar to what I found traveling in Tassie and Canada recently	• Council is planning to replace these public toilets. There is an identified "Belmore Basin Amenities Replacement" project included as a one of twenty identified "Community Facilities – Buildings – Renew" projects in Council's Draft Infrastructure Delivery Program 2024-2025 – 2027-2028. o The Crown Reserve (40908) Brighton Lawn is often referred as Belmore Basin as evidenced by the reference in the comment on the PoM and by the reference in the Draft Infrastructure Delivery Program. Belmore Lawn is the reserve name from the 1906 gazettal.	No – operational matter
Requests for Prohibitions – Brighton Lawn Crown Reserve 40908 (*Belmore Basin*)				
53 RP7	1 Ind	• Prohibit any new commercial activities or new commercial buildings at Brighton Lawn that would conflict with the Transport for	• There are no proposed changes in permitted uses, developments, or leases/licences from exhibited. • Being permissible under this PoM, does not commit Council to any development or investment in a particular Crown reserve or Council owned land area, but it	No

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
		NSW Wollongong Harbour Masterplan Nov 2020	enables consideration of the identified possible uses and developments subject to relevant processes.	
PoM Section 2.4a **Osborne Park – Council Owned Community Land** PoM Information Schedule- Comment / Issue				
Support / Opposition / Observation – Osborne Park – Council Owned Community Land				
54	1 Org	• All of Osborne Park forms part of the State Heritage Listed Wollongong Harbour Precinct (Item 01823) and not just the Mt Keira Osborne Wallsend Tramway Bridge Remains (Item 6367).	• The mapping in the PoM of the State Heritage Listed Wollongong Harbour Precinct (Item 01823) is the same as provided on the NSW Government State Heritage Inventory webpage. • All of Osborne Park is included in the Belmore Basin Heritage Conservation Area and this map has been added to the PoM in Appendix 1 and referenced in the PoM Information Schedule.	Yes – reference to the Belmore Basin Heritage Conservation Area has been added to the PoM.
Requests for more or for something new – Osborne Park – Council Owned Community Land				
55 RM 35	1 Org	• Osborne Park - More Signs Needed Directional & Interpretive	• The foreshore has existing wayfinding and place-based signage at a level much higher than in other parks and beaches across the Wollongong Local Government Area. • The suggestion to enhance the current level of signage in relation to Osborne Park and places of tourist interest across the foreshore have been provided to the Manager Infrastructure Strategy and Planning as feedback to consider as assets within the PoM area are managed throughout their asset lifecycle guided by: o Council's 10-year Community Strategic Plan o The associated 10-year Asset Management Plan and o The update each year of Council's four-year Delivery Program and Annual Budget.	No
Requests for Prohibitions – Osborne Park – Council Owned Community Land				
56 RP8	1 Ind	• Osborne Park – Prohibit the following: o leases o anything that would conflict with the State Government Wollongong Harbour Masterplan. o Permit only casual events in designated areas.	• This community land category is not a new community land category for Osborne Park. o Council has been actively managing this area's cultural significance in an ongoing long-term manner. Most of the interpretive works within Osborne Park have been in place since the early 2000s because of a community project. o The artworks and interpretive features in the park relate to the heritage values of Osborne Park and they are well maintained in 2025.	No

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
		o Include more details on the culturally significant areas. ▪ It may be that certain sections are culturally significant / have heritage value and other areas do not.	• The PoM as exhibited meets legislative requirements of the Crown Land Management Act 2016 (CLM Act) and the Local Government Act 1993 (LG Act) and it is proposed to remain as a single PoM document. • There are no proposed changes in permitted uses, developments, or leases/licences from exhibited.	
PoM Section 2.4b **Old Court House – Council owned Community Land** PoM Information Schedule – Comment / Issue				
Support / Opposition / Observation – Old Court House				
57	1 Org	• Note the completion of the Old Court House Roof Replacement Project	• The schedule now has been updated to include the completion of the Old Court House roof replacement	Yes
Requests for more or for something new – Old Court House				
58 RM 36	1 Org	• Old Court House in addition to existing uses – visitor information centre perhaps	• The PoM does not prohibit consideration of the Old Court House being considered as a potential visitor information centre in addition to the existing uses; however, decisions specific to the use, development and management of each Crown reserve or Council owned Community Land Area, while needing to be consistent with the PoM, are progressed through separate processes. o There is a current lease to Old Court House Management Committee Incorporated (1/10/2000 – 30/9/2021 now holding over) for Heritage and environment centre at 1 Harbour St, Wollongong in accordance with development consent D00/688.	No
PoM Section 2.5 **Flagstaff Point Crown Reserve Number 580103** PoM Information Schedule – Comment / Issue				
Support / Opposition / Observation– Flagstaff Point Crown Reserve Number 580103				
59	1 Ind	• Correct the location of the cannons in the Community Land Category Map for Flagstaff Point Crown Reserve (580103)	• Typographical label error corrected in the map in the schedule.	Yes
60	1 Org	• Flagstaff Hill is a vantage point to the Escarpment. o Add this point to the Crown reserve information schedule as part of a performance target.	• Flagstaff Hill / Flagstaff Point is identified as a vantage point for views to the escarpment and views to the coast in Council's Development Control Plan (DCP) Chapter D13: 3:10 *Views and View Corridors.* o As a DCP is part of the NSW Planning Regime under the Environmental Planning and Assessment Act 1979 – this DCP reference has been added to the PoM Information Schedule relating to "the nature of the land" and	Yes

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
			"obtaining development consent" at **S2** (Scale and Intensity of Permitted Development, Use or Activity).	
Requests for more or for something new – Flagstaff Point Crown Reserve Number 580103				
61 RM 37	1 Org 1 Ind	• More Signs Needed Directional & Interpretive at Flagstaff Point • Definite need for tourism information around lighthouse area. I am always stopped by visitors asking questions in this area. o Signs that prioritise café and toilet locations, tourist info would be valuable	• The foreshore has existing wayfinding and place-based signage at a level much higher than in other parks and beaches across the Wollongong Local Government Area. • The suggestion to enhance the current level of signage in relation to Flagstaff Point and places of tourist interest across the foreshore have been provided to the Manager Infrastructure Strategy and Planning as feedback to consider as assets within the PoM area are managed throughout their asset lifecycle guided by: o Council's 10-year Community Strategic Plan o The associated 10-year Asset Management Plan and o The update each year of Council's four-year Delivery Program and Annual Budget.	No
62 RM 38	1 Ind	• Rebuild old lighthouse that burned down in 1980s and convert to posh restaurant on Flagstaff Hill	• The PoM does not permit a restaurant to be built within the land area of Crown Reserve Flagstaff Point Number 71482 o A café could be considered in the future under the PoM but an opportunity to consider is not an obligation on Council to undertake such a development.	No
63 RM 39	1 Ind	• Allow for sunset drinks/food type vendors in great spots like lighthouse area	• The PoM does not outright prohibit consideration of commercial uses such as sunset drinks/food vendors in Flagstaff Point/Flagstaff Hill o Decisions specific to the use, development and management of each Crown reserve or Council owned Community Land Area, while needing to be consistent with the PoM, are progressed through separate processes. o In the past there have been twilight markets run by Rotary however they ceased a few years ago. If this may be something Council would engage in again, then the relevant event application / licence agreement would be required for the activity and a competitive process would be required. o Council's. Mobile-Food-Vending Policy would apply to any future proposal not related to events such as the twilight markets. This location is not included in this policy as of 2025 So the "consistent with Council Policies criteria" for PoM permissible uses is not met at this time.	No
Requests for Prohibitions - Flagstaff Point Crown Reserve Number 580103				

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
64 RP9	1 Ind	• Prohibit a Visitor Information Centre and Café at Flagstaff Point / Flagstaff Hill	• The PoM sets out the framework for consideration of potential uses, development (including related potential leases or licences) as required under the Crown Land Management Act 2016 (for Crown community land) and as required under the Local Government Act 1993 (for Council community land). o Decisions specific to the use, development and management of each Crown reserve or Council owned Community Land Area, while needing to be consistent with the PoM, are progressed through separate processes. ▪ Being permissible under this PoM, does not commit Council to any development or investment in a particular Crown reserve or Council owned land area, but it enables consideration of the identified possible uses and developments subject to relevant processes.	No
PoM Section 2.5a **Flagstaff Hill - Council Owned Community Land Area** PoM Information Schedule – Comment / Issue				
Support / Opposition / Observation– Flagstaff Hill – Council Owned Community Land				
65	1 Org	• Flagstaff Hill is a vantage point to the Escarpment. o Add this point to the Performance Target 1 on page 147 for the Council owned land information schedule	• Flagstaff Hill / Flagstaff Point is identified as a vantage point for views to the escarpment and views to the coast in Council's Development Control Plan (DCP) Chapter D13: 3:10 *Views and View Corridors.* • As a DCP is part of the NSW Planning Regime under the Environmental Planning and Assessment Act 1979 – this DCP reference has been added to the PoM Information Schedule relating to "the nature of the land" and "obtaining development consent" at **S2** (Scale and Intensity of Permitted Development, Use or Activity).	Yes
Requests for more or something new – Flagstaff Hill – Council Owned Community Land				
66 RM 40	1 Org	• Flagstaff Hill Fort consider commercial or other adaptive re-use for these tunnels, restoration and use as kiosk or visitor centre – Newcastle's Fort Scratchley is example	• Under the PoM it is open for Council to consider measures to conserve the heritage features of Flagstaff Hill Fort and new uses, developments, activities (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) and consistent with the Fort and tunnels heritage value is permitted. • As noted in other replies, being permissible in a PoM, provides opportunity to consider, not a commitment of resourcing.	No

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
67 RM 41	1 Org	Flagstaff Hill Fort installations – looking forward to the opportunity to work with Council to 'investigate and consider conservation methods and adaptive re use (if appropriate) to better manage the area	• A draft Conservation Management Plan for the fort installations at Flagstaff Hil and Battery Park is in preparation	No
PoM Section 2.6 **"Nun's Pool" Crown Reserve Number 40944** PoM Information Schedule **–** Comment / Issue				
Support / Opposition / Observation - "Nun's Pool" Crown Reserve Number 40944				
68	1 Ind	• The area immediately to the north of the seawall adjoining the nun's pool – who manages this area? Not mapped in PoM Area.	 This land is managed by Transport NSW as part of the Wollongong Harbour.	No
Requests for more or something new – "Nun's Pool" Crown Reserve Number 40944				
69 RM 42	1 Org	• Nuns Pool - More Signs Needed Directional & Interpretive	• The Nun's Pool is an historical element in the foreshore landscape and use of the area is not encouraged. Along the City foreshore, people should swim at a patrolled Beach or Pool or at the Gentlemen's Pool if a rock pool is desired as it has more natural surveillance than this location. Although none of the nine rock pools are patrolled by Lifeguards. • Neither the Ladies Pool or the Nun's Pool are one of the 9 Ocean Rock Pools included in Council's strategic supporting document **Future-of-Our-Pools-Strategy-2014-2024**.	No
70 RM 43	1 Ind	• Nuns Pool - make it safe and attractive swimming option because people use it and at some risk with a rudimentary track or via the harbour	• The Nun's Pool is an historical element in the foreshore landscape and use of the area is not encouraged. Along the City foreshore, people should swim at a patrolled Beach or Pool or at the Gentlemen's Pool if a rock pool is desired as it has more natural surveillance than this location. Although none of the nine rock pools are patrolled by Lifeguards. • Neither the Ladies Pool or the Nun's Pool are one of the 9 Ocean Rock Pools included in Council's strategic supporting document **Future-of-Our-Pools-Strategy-2014-2024**.	No
PoM Section 2.7 **"Ladies Pool" Crown Reserve Number 40945** PoM Information Schedule – Comment / Issue				
Requests for more or something new – "Ladies Pool" Crown Reserve Number 40945				

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
71 RM 44	1 Org	• Ladies Pool - More Signs Needed Directional & Interpretive	• The Ladies Pool is an historical element in the foreshore landscape and use of the area is not encouraged. Along the City foreshore, people should swim at a patrolled Beach or Pool or at the Gentlemen's Pool if a rock pool is desired as it has more natural surveillance than this location. Although none of the 9 rock pools are patrolled by Lifeguards. • Neither the Ladies Pool or the Nun's Pool are one of the 9 Ocean Rock Pools included in Council's strategic supporting document **Future-of-Our-Pools-Strategy-2014-2024**.	No
PoM Section 2.8 **Lang Park Foreshore Reserve Crown Reserve 580076 – Endeavor Dr - Crown St** – PoM Information Schedule **-** Comment / Issue				
Support / Opposition / Observation – Lang Park Foreshore Reserve Crown Reserve 580076 – Endeavor Dr – Crown St				
72	2 Orgs 2 Ind	• Supports relocation of bus terminus from Lang Park – when will it occur?	• In a 17 April 2025 email to stakeholders interested in the project, Transport for NSW gave an update on the project to relocate the existing Wollongong bus layover currently located on Marine Drive as follows: o Transport for NSW are in the design phase for the new bus layover at the Atchison St car park. o the design provides for eleven exclusive bus parking spaces, toilet facilities, kitchen facilities and space to rest and recover between shifts. o Transport for NSW is planning to begin the construction phase of the project in July 2025 • On 26 May 2025 Council resolved to lease the Atchison/Auburn St car park to Transport for NSW	No
73	Ind	• Note that there are separated cycling and pedestrian paths in parts of Lang Park Foreshore Crown Reserve 580076	• Clarification in description of cycleway and pedestrian paths made in the schedule	Yes
74	Ind	• Include details on a 1964 cyclone and more description of the dune's composition from the WEC to City Beach to Flagstaff rock pools in the PoM.	• The PoM meets the legislative requirements of the LG Act and the CLM Act.	No
75	Ind	• Land at Northern end of beach at the bottom of the stairs from the carpark – not shown on any map – who manages the land?	• This is part of land lot 7308 Crown Identifier Deposited Plan 1163677 created by Crown Lands in 2011. This land lot is not part of the Lang Park Foreshore Park Crown Reserve 580076 or Ladies Pool Crown Reserve. The part of Lot 7308/1163677 that is sand covered is managed as part of City Beach by Council. The 2008 PoM identified this land as "part beach reserve" associated with Lang	No

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
			Park Foreshore Park Crown Reserve 580076 before a time when all Crown land lots in the Wollongong LGA was issued a Crown Land Identifier Deposited Plan.	
Requests for More or for something new - Lang Park Foreshore Reserve Crown Reserve 580076 – Endeavor Dr – Crown St				
76 RM 45	1 Org 2 Ind	• The Heritage Listed Huts / Picnic Shelters in Lang Park need better manage to curb antisocial use, consider raising roof like was done to the heritage shelters in Stuart Park to bring in more lighting (St Mary) (2 Public Meeting Attendees)	• The PoM permits implementing the future Lang Park Masterplan (or any future Council adopted master plan) and permits new uses, developments, activities (community or commercial) consistent with the Crown reserve purpose(s). o Any council adopted masterplan will have undergone a community consultative process and deliberation at a future Council meeting. • The suggested possible improvements to the heritage listed picnic shelters in Lang Park has been provided to Recreational Services as early feedback in ways Lang Park could be improved in the future. o While general improvements of this nature can be undertaken without inclusion in a Master Plan, meeting the requirements of heritage legislation increases the cost of any improvements and inclusion in a Master Plan often assists Council in obtaining grant funds for improvements in Council parks.	No
77 RM 46	Ind	• Beach Access and Dune Vegetation – manage to achieve a continuous dune profile along the beach, low risk of dune blow-outs, high coverage of native vegetation and effective weed control	Natural area management activities are permitted across the entire PoM area as provided by PoM Section 2B (a) State Environmental Planning Policy (Resilience and Hazards) 2021 – Coastal Management, Wetlands and Rainforest Information "*Land under this PoM may be affected by the State Environmental Planning Policy (Resilience and Hazards) 2021. Natural Area management activities are permissible across all land under this PoM, including land where the SEPP (Resilience and Hazards) noted above applies.* *Natural area management activities under this PoM can be:* • *by Council staff, volunteers or contractors to establish, protect, enhance and maintain vegetation communities.* o *Works such as, but not limited to:* ▪ *primary and secondary weeding, including chemical and manual removal of weeds.* ▪ *revegetation activities – planting of seed and tube stock.* ▪ *tree protection measures– stakes, guards, mulching and watering of newly planted vegetation.* ▪ *approved Council Volunteer and Education Projects such as, but not limited to Bushcare, Dunecare and Fiready activities*."	No

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
78 RM 47	Ind	• Fund a dune management plan involving community-based groups and professional oversight.	• The PoM permits vegetation management activities by Council Staff, volunteers or contractors as noted in the reply to 77 RM 46.	No
79 RM 48	Ind	• Permit only the following in Lang Park o Passive public recreation o Increasing public recreational opportunities ▪ an example of permitted development would be: • the **construction of an outdoor basketball court** or • constructing more picnic shelters. o Community market stalls o Historical re-enactments • Provide an annual report on Lang Park to Council	• The PoM permits implementing the future Lang Park Masterplan (or any future Council adopted master plan) and permits new uses, developments, activities (community or commercial) consistent with the Crown reserve purpose(s). o Any council adopted masterplan will have undergone a community consultative process and deliberation at a future Council meeting. • The performance of this PoM relative to management objectives and performance targets for the land will be assessed through Council's annual review of Our Wollongong Our Future (Council's 10-year Community Strategic Plan) which includes a 4-year Delivery Plan and a 1-year Operational Plan (the budget) o Council reports quarterly on meeting Our Wollongong Our Future goals. o Reporting annually on the management of individual parks is not feasible. Council manages over four hundred parks throughout the LGA.	No
Requests for Prohibitions - Lang Park Foreshore Reserve Crown Reserve 580076 – Endeavor Dr – Crown St				
80 RP 10	Individual	• Prohibit the construction of permanent solid sea walls, including rock walls. Permit temporary walls, activities in the dunes if they improve the stability or size of the dunes – including variation of vegetation and elimination of "exotic weeds".	• Council monitors changes in beach and dune sand volume to better understand how beaches and dunes respond to coastal hazards and how they may respond in future, particularly with rising sea level rises. Data from our Beach and Dune Monitoring Program feeds into the multifaceted, five stage process to develop a future Wollongong Coastal Management Program (CMP). The PoM permits future CMP actions and existing Coastal Zone Management Plan actions. o The CMP process started in 2022 and throughout 2026 the CMP process will include exhibition, finalisation, State Government certification and CMP adoption. o The CMP may include actions relating to coastal protection works, depending on the level of risk of coastal hazards and only after such potential works have been subject to an assessment (e.g. a multi-criteria analysis) of feasibility, viability, and acceptability. o Submitter details have been provided to relevant Council Staff managing the ongoing CMP process.	No

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
81 RP 11	Individual	• Prohibit the construction of a kiosk. • Prohibit installing public BBQs	• The PoM permits implementing the future Lang Park Masterplan (or any future Council adopted master plan) and permits new uses, developments, activities (community or commercial) consistent with the Crown reserve purpose(s). o Any council adopted masterplan will have undergone a community consultative process and deliberation at a future Council meeting.	No
82 RP 12	Ind	• Do not permit any permanent sporting structures to be built in Lang Park • Do not permit an underground car park in Lang Park • Retain open space character **without commercial development or monopolisation in Lang Park.** o **Improvements should be limited to low impact facilities**: ▪ **Shade** ▪ **Plantings, etc** • that enhance the utility of the space without compromising accessibility or sustainability. • Please notify me when the future draft Lang Park Master Plan is on public exhibition to I can comment	• The PoM permits implementing the future Lang Park Masterplan (or any future Council adopted master plan) and permits new uses, developments, activities (community or commercial) consistent with the Crown reserve purpose(s). o Any council adopted masterplan will have undergone a community consultative process and deliberation at a future Council meeting. • Your contact details have been provided to Recreational Services as a stakeholder to be notified when a draft Lang Park Master Plan is on public exhibition.	No
PoM Section 2.8a **Lang Park Crown Reserve 580097 (Devolved)** PoM Information Schedule **Subject to Council becoming Crown Land Manager** – Northwest Corner Lang Park – Comment / Issue				
Support / Opposition / Observation – Lang Park Crown Reserve 580097 (Devolved Northwest Corner of Lang Park)				
83	1 Ind	Lang Park – Devolved Crown Land – Support - I support integrating all of Lang Park in one management structure	• The exhibited Lang Park Crown Reserve Number 580097 draft Information Schedule is included as a proposed amendment to the PoM	Yes - to add draft Information Schedule to the PoM as exhibited
84	1 Ind	• Lang Park – Devolved Crown Land – Conditional Support - Give more consideration to residential amenity in Event	• The exhibited Lang Park Crown Reserve Number 580097 draft Information Schedule is included as a proposed amendment to the PoM should Council	Yes – to add draft Information

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
		Management if Council becomes the Crown Land Manager o quarantine a suitable portion of devolved Crown reserve at Lang Park ▪ no portable toilets ▪ no work sheds ▪ no equipment dumps ▪ no waste bins ▪ no generators	resolve to request to become the Crown Land Manager for the devolved Crown reserve. • Event organisers requesting to use Council land require an event approval (a licence is granted if the application is approved) from Council and may also require development consent or other licences or permits under relevant legislation. o Each event application is assessed individually and if Council approval is obtained, the event approval licence will have conditions that reflect the result of the assessment to enable a successful event that meets public health and safety requirements and consideration of the short-term potential impacts to nearby residents.	Schedule to the PoM as exhibited.
85	1 Ind	• Lang Park – Devolved Crown Land – Opposed - Council should not take control of Lang Park under any circumstances	• The opposition to Council becoming the Crown Land Manager for the Devolved Crown reserve at Lang Park is noted. • Council is proposing to request becoming the Council Crown Land Manager to simplify the current Event process within Lang Park while retaining the existing Council Event application process that provides for enabling appropriate events for Lang Park while screening out inappropriate events.	Yes – to add draft Information Schedule to the PoM as exhibited.
PoM Section 2.8b **Lang Park - Council Owned Community Land - Hector Street** PoM Information Schedule – Comment / Issue				
Support / Opposition / Observation – Lang Park – Council Owned Community Land – Hector Street				
86	1 Ind	• Add the Council owned land at Lang Park and the devolved Crown reserve to the existing Lang Park Foreshore Crown Reserve 580076 - [*taken as opposition to the draft PoM content and form – same individual as at 2*]	• Crown reserves are defined under the Crown Land Management Act, not through actions of Council. Council owned community land within Lang Park will remain as Council owned land managed under the PoM.	No
Requests for NO Change – Lang Park – Council Owned Community Land – Hector Street				
87 NC3	1 Org	• Retain current use of Lang Park by St Mary Students – do not limit current access – very valued by students and use is of long standing (St Marys Star of Sea)	• The use of Lang Park by the students of St Marys Star of the Sea College is already included in the PoM. o The holding over licence for the use of the Council owned community land areas within Lang Park is in the PoM Information Schedule. • Issuing a future licence for recreational use of Lang Park by St Mary's students is permissible under the PoM, subject to Council supporting documents, Council policies and legislative compliance – as is the case for any consideration of a new tenure agreement for any PoM permissible use, development or activity.	No

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
PoM Section 2.8c **Lang Park Foreshore Reserve Crown Reserve 580076 - Harbour, Bank, Swan Streets** PoM Information Schedule – Comment / Issue				
Support / Opposition / Observation – Lang Park Foreshore Reserve Crown Reserve 580076 – Harbour, Bank, Swan Streets				
88	1 Ind	• Wollongong Golf Course is categorised as sportsground in the exhibited PoM so Table 3 Category Types Applied and Core Management Objectives in the PoM should include Sportsground. It does not; so, update.	• PoM Table 3 has been updated to correct the oversight	Yes
Requests for More or for something new - Lang Park Foreshore Reserve Crown Reserve 580076 - – Harbour, Bank, Swan Streets				
89 RM 49	1 Org 1 Ind	• The Wollongong Golf Club has requested the following: o Provide a clear and expedited timeline for finalizing the long-term lease agreement as approved in 2016 by Council resolution for the existing golf links on the Crown reserve. o The Club has a 127-year history, has a development consent (DA-2003-745D) and a Golf Club Masterplan. o The Club is committed to collaborating with Council for sustainable management and development of this vital community asset and requests that provisions are included in the new lease that mitigate the impact of the inclusion of early termination clauses tied to Aboriginal Land Claims because the early termination clause creates significant uncertainty that undermines the Club's ability to plan and invest, transparency is needed in the lease.	• The PoM permits the granting of a lease or a licence over the area that is categorised as sportsground - the area that is already developed as golf links - to the Wollongong Golf Club. • The PoM acknowledges that a lease is only permissible under the PoM if it complies with the provisions of the Native Title Act 1993 and complies with the Aboriginal Land Rights Act 1983. Compliance with these pieces of legislation is essential. • The limitations on the management of Crown land imposed by the CLM Act are noted in the PoM at Sections 1.4.1 Restrictions on management of Crown land and Section 2l Statements that apply only to the Crown Reserve Information Schedules. These limitations shape all permissible uses, developments and activities (and any related potential tenures) under this PoM for every Crown reserve. • While the proposed golf course lease - the subject of the 2016 Council resolution met the requirements of the Crown Land Act 1989; it does not comply with the provisions of the meet the requirements of the Crown Land Management Act 2016 (CLM Act). • The CLM Act reinforced and redefined a Council's role in both Native Title Act 1994 (NT Act) and Aboriginal Land Rights Act 1983 (ALR Act) compliance when issuing any tenures of any type on Crown land. There are existing claims under the federal NT Act and the state ALR Act that include the 2016 proposed golf course lease area. o NT Act: ▪ All Crown reserves within the Wollongong Local Government Area are subject to a blanket native title claim lodged by the South Coast People in the Federal Court of Australia.	No

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
		o Also, the PoM as exhibited seems to permit only a licence not a lease for the golf course, please correct this. • Another individual also has commented "granting a licence for the golf course is not appropriate – issue a lease"	▪ The PoM requires that advice be obtained from Council's Native Title Manager in relation to any proposed act (act is defined in the Native Title Act and includes certain uses, development and granting of tenures). ▪ Even if a proposed act is valid under the Native Title Act, Council must extend certain procedural rights to the claimant group. ▪ When planning to grant a lease or licence on Crown reserves, Council will comply with the requirements of the Commonwealth Native Title Act 1993 (NT Act). o ALR Act ▪ To date, ALR Act compliance has not been secured for the lease of the golf course that was the subject of the 2016 Council resolution. ▪ The PoM expresses a preference for issuing a licence for the golf course, but it also permits Council to issue a lease for the golf course, subject to ALR Act compliance. ▪ A licence of the golf course as a nonexclusive use tenure agreement is more likely to meet requirements under the ALR Act and the CLM Act.	
90 RM 50	Ind.	• have random patrols by Lifeguards and/or Rangers of Coniston Beach to ensure safe use of the beach and the dog off leash area	• Council's Animal Compliance Officers randomly patrol along beaches and parks (including Coniston Beach) throughout the entire Local Government Area. Fines can be issued to people with dogs who do not follow the rules. • Random patrols of Coniston Beach by Council Lifeguards would be counterproductive and run the risk of increasing the rate of swimming at Coniston Beach. There is an emergency beacon at Coniston Beach that individuals can activate if witnessing a life-threatening event in the surf at the unpatrolled beach.	No
91 RM 51	Ind	• Add a Management Objective in the PoM to re-establish and maintain the floodway through the golf course. • Ensure the sludge ponds and the effluent from the outlet from Sydney Water Pump House is managed in environmentally safe and efficient way (to NSW EPA Standards) • Only permit any reprofiling of grassed areas if they restore the floodway function or improve management of sewer sludge in	• Addressing issues with the management of Sydney Water infrastructure that occur on land owned by the Wollongong Golf Course or land owned by Sydney water are beyond the scope of the PoM. The PoM does not apply these lands. • Sydney Water infrastructure is regulated by the NSW Environmental Protection Authority (EPA). Contact the EPA in writing regarding the regulation of Sydney Water infrastructure if you have concerns.	No

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
		ponds as proven through a DA consent process in future. • Do not permit the filling in of any ponds.		
PoM Section 2.9 **Andrew Lysaght Park Crown Reserve Number 1000384** PoM Information Schedule – adjoins Former Quilkey Place (east), Wollongong Reserve Trust 84424 (south) – Comment / Issue				
There were no comments received for this Crown reserve.				
PoM Section 2.10 **Former Quilkey Place – Council Community Land** PoM Information Schedule – adjoins Lang Park 580076 (east), Andrew Lysaght Park 1000384 (west) Wollongong Reserve Trust 84424 (south) - Comment / Issue				
There were no comments received for this Crown reserve				
PoM Section 2.11 Wollongong Reserve Trust Crown Reserve Number 84424 PoM Information Schedule – adjoins Lang Park 580076 (east / south / west), Andrew Lysaght Park 1000384 (north) - Comment / Issue				
There were no comments received for this Crown reserve				
Outside of the PoM Area – Comment / Issue				
Requests for More or for something new Outside of the PoM Area				
92 RM 52	1 Org 4 Ind	• Wollongong Harbour – Needs Revitalisation • Consider working with others to progress Harbour revitalisation as Council is not the land manager of the Harbour. • Ideas for Wollongong Harbour include: o A Warf that is San Francisco like ▪ re open Fisherman Co-op ▪ feature heritage ▪ enable commercial pop ups o floating vessels selling fish and chips or floating sauna like in Oslo or look at Hobart' Harbour for starters! o closely monitor old vessels in Harbour to avoid the consistent sinking of old vessels that is costing taxpayers money.	• The Wollongong Harbour is not subject to this PoM, as it is managed by Transport for NSW. • Council works with Transport for NSW in relation to Harbour matters where appropriate on an operational level and as adjoining Land managers. • NSW Government released a final Wollongong Harbour Master Plan in November 2020 after beginning a process in 2017. o It is up to the NSW Government, not Council, to implement any of the 2020 Master Plan improvements. o NSW Maritime Infrastructure Plan is available on the Transport for NSW website that acknowledges "*A Master Plan has been prepared recognising the harbour's history as a working harbour, its heritage significance, and identifying options to provide for a broad range of marine and water-based recreation and tourist activities into the future*." o The Wollongong Harbour Public Pontoon Project is the most recent project in the harbour on the Transport for NSW website.	No

No	Ind / Org	Comment / Issue – Draft Wollongong City Foreshore PoM Exhibition	Council Reply	Change Proposed
		o hold discussions with the relevant state agencies about the breakwater - it is becoming an eyesore. o the old fresh fish market at the Harbour could be a café and tourism information centre. o Yacht club offering could be expanded.		
93 RM 53	1 Org	WIN Sports and Entertainment Centres – The PoM should allow improvements under the NSW Government master planning process of the WSEC (Wollongong Sports and Entertainment) Precinct	• Agreed that the WIN Sports and Entertainment Centres should be upgraded • The WIN Sports and Entertainment Centres is managed by Venues NSW and is not on Council managed Crown land or Council owned community land. • The PoM covers Crown land managed by Wollongong City Council or Council owned Community Land and enables consideration of PoM permissible uses, development, and activities as they relate to the land the PoM applies to.	No

Public Meeting Independent Facilitator Report – 13 February 2025 on the Draft Wollongong City Foreshore Plan of Management

Acknowledgement of Country

FLW Connect acknowledge the Traditional Custodians of Dharawal Speaking Country and their connection to this land. We pay our deep respect to the Elders past and present who created the pathways, cared for this Country, and passed on their knowledge. We honour the ongoing connection and extend our gratitude to the Dharawal speaking peoples whose land we work and live on.

Prepared by Bianca Hunt,
Independent Public meeting Facilitator, February 2025

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Public Meeting Independent Facilitator Report | on the Draft Wollongong City Foreshore Plan of Management

Date: Thursday, 13 February 2025
Time: 6:00 pm – 7:30 pm

Venue: Level 9 Function Room, Council Administrative Building, 41 Burelli Street, Wollongong

Background

The meeting was convened as part of the Council's ongoing engagement process regarding the Draft Wollongong City Foreshore Plan of Management (PoM). In line with statutory requirements and community expectations, this session was designed to inform the public about the scope, legal framework, and strategic intent of the Foreshore PoM while inviting community feedback. As part of the meeting four public submissions were received from attendees, please refer Appendix 2 - a, b, c and d).

Introduction

This session provided an overview of the PoM's legal context, strategic vision, and the specific areas covered. The goal was to foster an open dialogue on issues including commercial activities, parking, heritage management, and the overall future use of the foreshore areas.

Attendance

- 1 Independent Facilitator
- 6 Council Representatives
- 8 Community Members
- Total of 15 Attendees

Purpose & Agenda

- **Presentation:** Detailed review of the Draft PoM, including its statutory framework (under the Crown Lands Management Act 2016 and the Local Government Act 1993) and its alignment with the strategic vision "Our Wollongong Our Future 2032."
- **Participation:** Guidelines were established for respectful dialogue.
- **Feedback Collection:** Community feedback was recorded for the development of the public meeting independent facilitator report.

Overview of the Draft PoM Content

The presentation covered key points including:

- **Areas Covered:**



The Draft Wollongong City Foreshore PoM Area includes:

Stuart Park

Battery Park

Brighton Lawn

Old Court House

City Beach

Andrew Lysaght Rest Park

North Beach

Continental Pool

Osborne Park

Flagstaff Hill

Lang Park

Coniston Beach – Part of the Wollongong City Golf Course down to Swan Street.

The draft Wollongong City Foreshore PoM applies to 10 Crown Reserves and 6 Council-owned Community Land areas

The Crown Reserves include:

1. *Stuart Park* (Crown Reserve No. 580060)
2. *North Wollongong Surf Life Saving Club (*Crown Reserve No. 71482*)*
3. *Battery Park* (Crown Reserve No. 72138)
4. *Brighton Lawn* (Crown Reserve No. 40908)
5. *Flagstaff Point* (Crown Reserve No. 580103)
6. *Not Named by Gazettal - "Nun's Pool'* (Crown Reserve No. 40944)
7. *Not Named by Gazettal – "Ladies Pool"* (Crown Reserve No. 40945)
8. *Lang Park* Foreshore (Crown Reserve No. 580076)
9. *Andrew Lysaght Park* (Crown Reserve No. 1000384)
10. *Wollongong Reserve Trust (*Crown Reserve No. 84424)

The 6 Council owned Community Land Areas include:

1. George Hanley Drive – Small land lots south boundary of George Hanley Drive
2. Osborne Park – Park opposite Brighton Lawn (Belmore Basin Harbour Area)
3. Old Court House – Historic Building opposite Wollongong Harbour
4. Flagstaff Hill – Land at Flagstaff includes most of the carparks facing City Beach
5. Lang Park – Park land near Hector Street and surrounded by Crown Reserve
6. Former Quilkey Place – Parking area - Andrew Lysaght Park Entertainment Centre

Legal and Strategic Context:
As a statutory requirement, the PoM defines permissible uses through detailed Information Schedules while aligning with the Council's broader strategic objectives.

Process and Next Steps:
The independent facilitator report based on community feedback will be submitted to council.

Key Discussion Topics:

During the meeting, discussion focused on a few main areas:

1. Stuart Park and Associated Crown Reserves

- **Usage and Commercial Activities:**
  A significant concern was raised over commercial activities, notably skydiving. One community member remarked,

"Skydiving landing at Stuart Park excludes the general public—it's not what a public park should be about."

In a similar vein, another community member stated,

"We're sacrificing our park's character for a commercial venture. This isn't the place for profit-driven activities."

- **Legal and Operational Considerations:**
  Uncertainty about lease and licence arrangements was also evident. One comment highlighted this issue:

"Why are these leases held over for more than five years without a proper review? We need clarity on this process."

Another expressed concern over the operational impact*:*

"The extension of licences without clear limits undermines public trust. It feels like decisions are being made without our input."

2. North Beach, Battery Park, and Lang Park

- **Public Safety and Parking Issues:**
  Parking and traffic congestion were key points of contention. Resident feedback includes the following aspirations:

"The parking situation at Lang Park is chaotic. Introducing paid parking with concessions for locals would be a sensible move."

"When will Lang Park Bus parking be removed and the existing bus parking area be opened to the public, tourist, event attendees?"

On bus parking, another voice noted:

"It's been 'temporary' for over ten years. We need a definitive solution for bus parking that doesn't impact public access."

- **Future Improvements:**
  Community members expressed a desire for clear improvements. One resident stated:

"Future improvements must be clearly defined. We want a park that's safe and welcoming, not a maze of conflicting uses."

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3. Heritage [referring to the Heritage Picnic Shelters in Lang Park] and Community Land Areas

Heritage Picnic Shelter and Public Access:
Comments on heritage management were strong. Community members said:

"The heritage huts [Heritage Picnic Shelters] are part of our history; they need better lighting and maintenance to discourage vandalism and ensure public safety. The hut that is between Marine Drive and Parkside Avenue, there is so much antisocial behaviour. It is because of the roof, I know it is heritage listed but if the roof-line was lifted it would allow more natural light in so it is not so dark and closed off to the public"

"Council-owned lands should prioritise community benefit over commercial exploitation. The language in the PoM must reflect this."

- **Council-Owned Community Land:** Additional feedback included:

"I want to see clear boundaries on what can be done on Council-owned lands so that community interests are always the priority."

4. Legal Framework and Future Commitments

- **Compliance and Flexibility:**
  On the legal framework, a resident commented:

"We need more specificity on what's actually allowed."

- **Ministerial Approval Process:**
  Regarding the approval process. another stated:

"What if the Minister doesn't approve the PoM as it stands? We need clear guidelines on how feedback will influence the final outcome."

5. Balancing Commercial and Public Recreation

Community members shared the following feedback regarding the balance between commercial activities and public recreation in foreshore areas:

- "*How does Council reconcile commercial uses in a public park with the original reserve purpose of public recreation, particularly when such activities may limit general public access?"*
- *"Is there a process to ensure commercial ventures (like skydiving) remain consistent with the Plan of Management and community expectations?"*

Summary of Community Requests

Based on the feedback, the community members at the meeting made the following key requests:

- **Commercial Use at Stuart Park:**
  Reassess the inclusion of commercial activities—especially skydiving—within areas dedicated to public recreation, with calls for prioritising community use.
- **Parking and Traffic Management:**
  Implement a paid parking system (with concessions for local residents) and resolve the long-standing issue of temporary bus parking.
- **Clarity in the PoM:**
  Revise the PoM to include clearer definitions of permissible activities. Consider developing area-specific plans or clearer sub-sections to improve understanding.
- **Heritage Picnic Hut and Public Access:**
  Enhance the management of heritage picnic structure located between Marine Drive and Parkside Avenue with improved lighting and maintenance, ensuring these culturally significant assets remain accessible and safe.
- **Transparent Future Process:**
  Clearly communicate how community feedback will influence the final PoM, particularly regarding Ministerial approval and future leasing/licence arrangements.

Consultation and Communication: To ensure broad community engagement, the Council used a range of communication strategies, including:

- Public notifications through the Council's website and local media.
- Distribution of the PoM overview and supplementary materials via online platforms.
- Holding the session as an in-person forum for immediate community input.
- Encouraging additional written submissions until 26 February 2025.

Feedback Summary:

The table below summarises key feedback points and the number of distinct comments recorded for each issue:

Issue	Feedback Entries	Summary
Activities at Stuart Park	2	Concerns that activities such as skydiving may restrict public access and change the park's traditional, recreational character.
Lease and License Arrangements	2	Questions about extended lease periods and a lack of transparency regarding renewal processes
Parking and Traffic Management	3	Issues with chaotic parking conditions and temporary bus parking; calls for a more structured, paid system with local concessions.
Lang-Park Heritage Picnic Shelter and Public Access	2	Requests for improved maintenance and better lighting, along with clearer identification of Council owned land boundaries.
Clarity on Permissable Uses & Feedback	2	Calls for greater specificity in the PoM regarding allowable uses and for a more transparent process in incorporating public feedback.
Balance Between Commercial and Public Recreation	2	Emphasis on ensuring that commercial activities do not compromise the public reserve purpose of the foreshore areas

Next Steps

Council Review

Council staff will compile and review all submissions.

Conclusion

The public meeting provided an opportunity for the community members at the meeting to share their perspectives on the Draft Wollongong City Foreshore Plan of Management. Attendees highlighted a range of concerns, including the balance between commercial activities and public access, parking challenges, and heritage protection. The discussions reflected the community's strong connection to the foreshore and underscored the importance of careful planning for its future. The feedback gathered during this session will help inform the ongoing conversation on the plan of management.

Report Prepared By:
Bianca Hunt
Independent Public Meeting Facilitator, FLW Connect Pty. Ltd.

Date: 10.03.2025

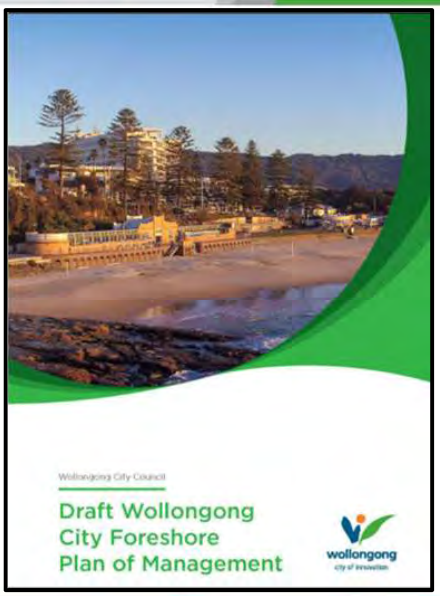
Appendices:

1. **PowerPoint Presentation includes the Meeting Agenda:** The presentation used during the meeting, outlining the PoM's scope, legal context, and strategic objectives.

2. **Attached Submissions:**
   A copy of the public submissions received as part of the public meeting conducted on February 13th 2025, are de-identified and provided for reference.
   - **a.** Submission 1
   - **b.** Submission 2
   - **c.** Submission 3
   - **d.** Submission 4

Appendix 1

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DRAFT WOLLONGONG CITY FORESHORE PLAN OF MANAGEMENT PUBLIC MEETING

THURS 13 FEB 2025 6 PM – 7:30 PM

LEVEL 9 FUNCTION ROOM
COUNCIL ADMINISTRATIVE BUILDING
41 BURELLI ST WOLLONGONG

Wollongong City Council

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Agenda

- ❑ Sign In – 6:00 pm – 6:10 pm
- ❑ Acknowledgement of Country
- ❑ Introductions
- ❑ Participation Guidelines
- ❑ Draft Plan of Management – Content Summary - Presentation
- ❑ Questions / Viewpoints on content of Draft Plan of Management
- ❑ Meeting Close 7:30 pm

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On behalf of Wollongong City Council, I acknowledge the Traditional Custodians of the land on which our city was built, the Aboriginal people of Dharawal Country.

I recognise and appreciate their deep connection to this land, waters and our greater community.

I pay my respects to Elders past, present and those emerging and extend my acknowledgement and respect to all Aboriginal people who call our city home, especially anyone attending this information session.

I recognise Aboriginal people as the first people to live in the area. I respect their living cultures and recognise the positive contribution their voices, traditions and histories make to our city. In celebration of unity, culture, both traditional and contemporary I acknowledge the rich history of our local Aboriginal heritage.

Wollongong City Council

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Bianca Hunt – Independent Public Meeting Facilitator

– will manage tonight's meeting and facilitate opportunities for participants to ask questions and share their viewpoints on the content of the draft Wollongong City Foreshore Plan of Management in a variety of ways.

- will prepare a report for Council on the viewpoints shared at tonight's public meeting on the draft PoM. Participating tonight is another way to give feedback.

Martha Tyndall – Community Land Management Officer – Wollongong City Council – will provide a power point presentation on the content of the Draft Wollongong City Foreshore PoM and answer questions concerning the content of the draft PoM.

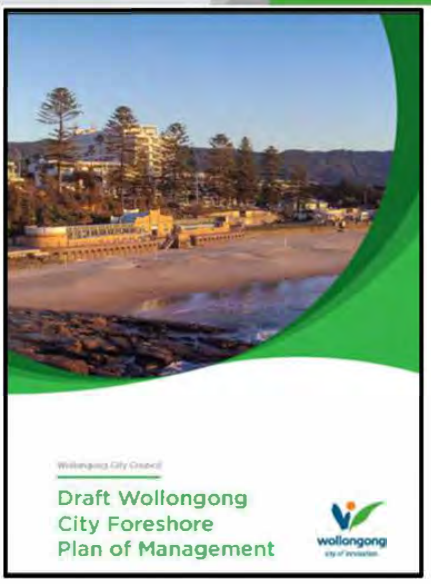
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Participation Guidelines

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Draft Wollongong City Foreshore Plan of Management

Content Summary

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The Draft Wollongong City Foreshore PoM Area Includes:

- Stuart Park
- Battery Park
- Brighton Lawn
- Old Court House
- City Beach
- Andrew Lysaght Rest Park
- North Beach
- Continental Pool
- Osborne Park
- Flagstaff Hill
- Lang Park
- Coniston Beach – Part of the Wollongong City Golf Course down to Swan Street

Draft Wollongong City Foreshore PoM | Wollongong City Council | Presentation SLIDE 2



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The 10 Crown Reserves under the draft PoM

1. Stuart Park - Crown Reserve Number 580060
2. North Wollongong Surf Life Saving Club - Crown Reserve No. 71482
3. Battery Park Reserve – Crown Reserve Number 72138
4. Brighton Lawn – Crown Reserve Number 40908
5. Flagstaff Point – Crown Reserve Number 580103
6. Not Named by Gazettal - "Nun's Pool" Crown Reserve Number 40944
7. Not Named by Gazettal - "Ladies Pool" Crown Reserve Number 40945
8. Lang Park Foreshore – Crown Reserve Number 580076
9. Andrew Lysaght Park – Crown Reserve Number 1000384
10. Wollongong Reserve Trust – Crown Reserve Number 84424

Draft Wollongong City Foreshore PoM | Wollongong City Council | Presentation SLIDE 4

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The 6 Council owned Community Land Areas under the draft PoM

1. George Hanley Drive – Small land lots south boundary of George Hanley Drive
2. Osborne Park – Park opposite Brighton Lawn (Belmore Basin Harbour Area)
3. Old Court House – Historic Building opposite Wollongong Harbour
4. Flagstaff Hill – Land at Flagstaff includes most of the carparks facing City Beach
5. Lang Park – Park land near Hector Street and surrounded by Crown Reserve
6. Former Quilkey Place – Parking area - Andrew Lysaght Park Entertainment Centre

Draft Wollongong City Foreshore PoM | Wollongong City Council | Presentation SLIDE 5

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Why is Council making this PoM?

It is a legal requirement under:

- The Crown Land Management Act 2016 for the Crown community land along the City foreshore
- The Local Government Act 1993 for the Council owned Community Land along the City foreshore.

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What does the draft Wollongong City Foreshore PoM do?

1. Describes how Council manages the land – as a contribution to achieve Council's broader strategic goals and vision as set out in Our Wollongong Our Future 2032
2. Sets possible PoM permissible activities, uses and developments broadly
   - 2a. Allows Council to consider related longer term and/or new leases or licences

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How does the draft PoM do that?

All the land under this PoM has an Information Schedule that describes Council's management (including performance targets and objectives, manner of assessing progress) and sets possible permissible uses and developments.

There is one for each of the 10 Crown Reserves and for each of the 6 Council owned Community Land areas.

There is a draft Information Schedule for devolved Crown Land at Lang Park – called An additional matter – exhibited for comment.

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Complying with legislation is complex Crown land management: a guide to decision making

Each PoM schedule only permits any activity, use or development (including any potential related lease or licence) if it can comply with applicable legislation.

- Legislation that may apply to land under this PoM is complex and is assessed on a case-by-case basis.
  - The PoM Legislative Framework is Appendix 1 (pages 161 – 191)
    - 27 different legislative Acts, 24 Council Supporting Documents, 47 Council Policies are referred to in the Appendix.

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Something to remember about PoMs

Page 31 of the PoM includes an important statement:

"Being permissible under this PoM, does not commit Council to any development or investment in a particular Crown reserve or Council owned land area, but it enables consideration of the identified possible uses and developments subject to relevant processes…Council financial commitments are made by a weighing of legislative requirements, public safety, data and professional advice and community feedback and are the realm of elected Councillors. This PoM is not intended to pre-empt future considerations of Council in relation to allocation of resources."

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Examples

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What does the PoM mean for a swimmer at the beach?

The draft PoM states (page 19): "*Council often regulates the use of community land by signposting…"* as a result:

Swimming at North Beach or City Beach is managed by:



- Obeying the signs and orders by Lifeguards
- Swimming between the Flags
- Swimming only when Flags are out
- Obeying orders by Council Rangers or Police

Draft Wollongong City Foreshore PoM | Wollongong City Council | Presentation SLIDE 12

WOLLONGONG | CITY OF INNOVATION

What does the draft PoM mean for future improvements in Lang Park?

- In the draft PoM there are 2 Information Schedules covering the very large Crown Reserve gazetted as Lang Park Crown Reserve 580076. There is also a draft Information Schedule for devolved Crown Reserve gazetted as Lang Park Crown Reserve 580097 (the Additional Matter). All 3 schedules include the statement: "*Implementing the future Lang Park Masterplan (or any future Council adopted masterplan) is permitted.*" Resident Home | City of Wollongong
- A future Lang Park Masterplan is an action in Council's current 4-year delivery program DP OP Link

Draft Wollongong City Foreshore PoM | Wollongong City Council | Presentation SLIDE 13

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How has Council made this draft Wollongong City Foreshore PoM?

Prior to this public exhibition and comment period for the Draft PoM (17 Dec 2024 to 26 Feb 2025) this draft PoM has been informed by:

- Council's Crown Land Review
- The Stuart Park Landscape Masterplan

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Council's Crown Land Review

- 29 October 2018 Council report regarding Crown Land Classification
- 27 May 2019 Council report regarding Crown Land PoM processes
- Community Consultation "Planning for 46 Crown Reserves" Oct – Nov 2019
- 11 Dec 2023 Council report - Draft City Foreshore PoM to Crown Lands
- Crown Lands review of the draft PoM took most of 2024 – Some category changes and more details on Coastal Zone Management were required.

The development and adoption by Council of the Stuart Park Masterplan

- The Stuart Park Master Plan - developed by 2 community engagement rounds
  - More than 870 people shared their ideas in Nov 2021.
  - A draft Masterplan was exhibited in Oct 2022
    - 1,326 people viewed the webpage and 329 people provided feedback
    - reported to Council on 20 March 2023 and adopted.

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What will happen at the end of the public exhibition and comment period?

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Council will consider all feedback, and the draft Wollongong City Foreshore Plan of Management (PoM) may be varied as necessary.

A report will be prepared for Council detailing the community's comments with recommendations on the final draft, including seeking a referral back to Crown Lands for authority to adopt. Council will consider this report and provide a resolution on how to proceed.

All those who have given feedback will be notified of the date of the Council meeting and how to view the relevant documents.

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How can I provide feedback on the draft PoM?

1. Participate and share you views on the draft PoM during tonight's meeting – it is another way to provide your feedback as the independent facilitator will provide a report on tonight's meeting.

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2. Complete an online form at https://our.wollongong.nsw.gov.au/

3. Email records@wollongong.nsw.gov.au

4. Write to the General Manager, Wollongong City Council, Locked Bag 8821 Wollongong DC NSW 2500

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Questions on the Draft Wollongong City Foreshore Plan of Management?

Comments / Feedback on the Daft Wollongong City Foreshore PoM?

Resident Home | City of Wollongong - Link: Council's website



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Appendix 2a

WCC Draft City Foreshore Plan of Management - Hearing 13 Feb 2025

#1. The draft CF PoM seeks to allow Skydivers to land on Stuart Park (SP) Oval.
But this so-called "existing use" is invalid, would exclude public access daily, and contravene case law, legislation, PoM and licences. So it is long-overdue to be stopped, and for Council to only allow skydive landings on north of Fairy Meadow Surf Club, which they often use now depending on winds.

Qn 1: On what basis is the draft CF PoM proposing to allow skydivers to land on SP Oval, rather than move them to Council's approved Fairy Meadow land?

#2. The public have rights to access SP Oval. Thus skydive landings must cease.
Relevant issues include:

- 30 years ago Council moved cricket from SP Oval to enable public access;
- Australian High Court judgement Randwick Council v Rutledge (ie Crown Land must be open to the public as of right, not a source of private profit);
- The statutory 2000 SP PoM includes that SP oval is to be used as a Village Green for passive recreation (ie not skydiving);
- Council's SP Master Plan (MP) adopted in March 2023 does not include re skydive landings in SP. Yet draft CF PoM purports to be based on the MP;
- The use of community land (ie SP) is to be consistent with the Core Objectives of the relevant Category (ie a Park). But skydiving in SP is not.

Qn 2: Why is the draft CF PoM proposing to allow skydiving to alienate public use of SP Oval, contrary to case law, legislation, PoM and licences?

#3 Given Skydive landings on SP Oval are prohibited, licence/s must be terminated.
As well as in item 1 above, this also includes due to:

- The licence Plan since 1997 prohibits the primary landing zone being on SP Oval. The Plan still applies, yet landings are primarily on the Oval:
- For 27 years dealings advantaging skydiving, not the public, have continued;
- The 2008 CF PoM only enables short-term licences east of Squires Way;
- But the most recent licence expired in Dec 2010. For the past 14 years (not short-term) no new licence has been tendered, or approved by Crown Lands.

Qn 3: Does the draft CF PoM propose to continue illegal skydiving landings on SP Oval. If so on what basis?

#4 Skydiving Rental Shortcomings.
Over the past 20 years Council, ratepayers and residents have missed out on $millions of rent due to the peppercorn amount determined by staff, rather than based on registered valuations for the areas used, and despite:

- NF5 has requested over many years, for valuations, based on actual areas used, prevention of public access, comparison with similar situations on Crown Land, and rent paid by the skydiving company at St Kilda (Vic);
- In 2016 the Property Manager told a NSW Parliamentary Inquiry Council was seeking valuations, and it is understood vallations have been received;
- Yet rent for SP & DP landing zones has been minimal for the past 25 years, providing $millions in benefits to company shareholders at the public's loss.

Qn 4: Why has Council allowed companies to avoid $millions in landings rent?

[redacted]

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Appendix 2b

2025 Draft City Foreshore Plan of Management - Comments

Page No	Issue	Comment
General	Structure of the PoM document See also comments at page 23 below	The LGA1993 at 36 (2) A draft plan of management may apply to one or more areas of community land, except as provided by this Division. This statement covers the likes of say Windang, Bulli and Coaldale camping area or Cemeteries where the same conditions apply for their management. It does not apply in this case where there are, • multiple distinct/unique uses, and • management requirements covered under different legislation and regulations, and • different community expectations. for each of the areas identified as making up the City Foreshore. The draft 2025PoM is divided into 16 defined areas all of which are treated separate from the other. Together they could be collectively gathered as the City Foreshore Management plan. A typical question is what has the golf course got in common with the Crown Land reserve in Stuart Park and why are they in the same PoM. Separation into 16 plans of Management allows each section to be modified without the need to modify the full document. It also makes it easier to follow the management requirements for each area without the complexity of trying to sort through all the documents for the requirements and restrictions - as it is now, - and hoping to get it right.
22	Council is the Crown Land Manager of the Crown reserves under this PoM in accordance with the legislation and conditions imposed by the Minister administering the Crown Land Management Act 2016. The use of the Crown land described in this plan of management must:	Reword The management and use of Crown Lands covered by this PoM are subject to the Crown Land Management Act 2016. (CLMA2016). Wollongong Council is the appointed Crown Land Manager for the Crown Lands in this PoM unless otherwise stated. The use of Crown Lands is covered by **compliance with Legislation, regulations**

	• be consistent with the purpose for which the land was dedicated or reserved. • consider native title rights and interests and be consistent with the provisions of the Commonwealth Native Title Act 1993 • consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists • consider and not be in conflict with any interests and rights granted under the Crown Land Management Act 2016 • consider any interests held on title.	**and Case Law**. (These words cover all said after this and anything that may not have been said that the CLMA2016 covers.) If you want to pick out parts of the CLMA2016 as is shown in the draft I suggest replace the wording "The use of ..... must:" with the Words "Key elements of the CLMA2016 are." (but note - be sure nothing is incorrectly stated, or left out Note: the 2008 PoM had words similar to that I am proposing. Refer to pages 8-9 of 2008 PoM for a concise wording that better expresses what is required than this section in the 2025 draft. The replacement of the wording in the 2025 draft with updated 2008 version, in reference to applicable legislation, would be clearer explanation covering all aspects, The wording of the draft 2025 version makes those aspects, to some, extent ambiguous and open to interpretation.
General	Term CLM Act and LG Act	Reword to include date CLM Act 2016 (or CLMA2016) and LG Act 1993 or (LGA1993) -
108	Refer to PoM Table 1 in section 1.4 for Sportsground,	Not in Table 1, should this read Table 3. Sportsground not included in the categories in Table 3.
16	Table 3 Land Categories	Category of Sportsground not included needs to be added
15 17	The community categories of Park, Natural Area Foreshore and General Community Use have been applied to Crown land under this PoM as described in each Crown land Information Schedule and shown in the schedule mapping.	Change wording to The community categories applied to Crown Lands under this PoM are Parks, Natural Area – add bushland, watercourse, (these two categories apply to Stuart Park) and Foreshore ..... add Sportsground. See comment at page 108 Does Culture Significance apply as mentioned at 36H page 17
19-21	Wide range of uses of Community land within a regulatory context is encouraged	Does this need to be in the PoM. What purpose does it serve other than giving a subjective opinion? A redraft is required eg A statement to the effect that Wollongong Council has educational and regulatory signs in the areas of the PoM. These signs help in the management and use of the areas covered by the PoM. Signs are considered within the Management plans for each area identified in the PoM. This allows signs to be developed outside those specifically identified in the PoM.

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22	1.4.1 Restrictions on management of Crown land	Reword How can Crown Land reserves be used. (This is in line with the wording in the Trust Handbook.) The heading defines what is possible rather than what is not possible.
23	That Stuart Park should have its own site-specific PoM developed through a working party process with Neighbourhood Forum 5 involvement. With respect to the last point, Council is taking a foreshore precinct approach to ensure that the various parks and Crown Land are not considered in isolation, as they collectively form part of our vibrant and connected foreshore.	The refusal to work with the local community in developing the various sections of this PoM I believe is a serious breach of the Council's responsibility in engaging the public in the preparation of the draft plan of Management. The same approach as proposed by Neighbourhood Forum 5 could/should have been applied for each section where there are clear community and/or stakeholders interests. Eg Surf Clubs for North Beach and Lang Park vicinities; the Golf Club; RMS and kiosk operators with respect to Wollongong Harbour Brighton Lawns. The PoM is divided into 16 defined areas all of which are treated separate from the other. One of those section is ***Stuart Park Crown Reserve*** which includes the North Beach Surf Club in its boundary, rather than the clubs natural fit in ***Section 2.2 North Beach Surf Life Savings Club "North Beach".*** Each of the areas could be done in isolation of the other, as the PoM has been structured. There is no reason a separate PoM for Stuart Park could not be created that covers the Gazetted area known as Stuart Park Reserve dedicated for Public Recreation – Crown Reserve No 580060. Refusal to work with the community calls into question the compliance with the requirement to consult and have independent community members. Whilst the LGA1993 40A sets out the minimum requirement for public consultation, the opportunity to engage with community members and key stakeholders as was done with the current approved plan for Stuart Park 2000PoM is the benchmark standard for consultation for developing Plans of Management affecting the community.
24	All land under this PoM has an Information Schedule	This section is confusing. It needs to be rewritten with the appropriate heading list. As it stands it is not clear what the schedules are and how and if they apply

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		to the particular area. It is noted there is a schedule list that relate to row 1 for example. This is not readily defined . Row 1, as described, as an example at page 37, appears to relate to the map of the area.
26	2D Continuation of Existing Uses and Developments	This paragraph is a general statement. The actual existing uses for each section needs to be defined. Eg in the section
37	**General descriptions of Improvements and Land (ref 36(3A) (a) of LG Act.**	*Skydive facilities (caretakers cottage) and landing area storage* are listed as improvements when they are not. The Caretakers cottage is an improvement but should not be listed as Skydiving facilities. The Skydive landing storage is a container and should be listed as a temporary container without reference to skydiving. The lagoon restaurant building, the old cricket pavilion, the pond, Bulli soil turf wicket (heritage), bushland and Fairy Creek are some of the improvements and land not listed.
38	**Existing use and Developments – Conditions and Use (CU) of the land and any buildings and other improvements on the land. Section 36 (3A) (a) LG Act** CU2. The restaurant and kiosk (operating as the Lagoon as of 2023) is aging and is in fair to good condition. It is operating as a commercial restaurant and kiosk.	At CU2 add dated lease expires and what will occur then. Eg The current lease will cease on ???? Any new lease/licence of the restaurant shall be by public tender timed to allow for changeover/continuation at the end of the current lease term.
38	CU3 Lawn area south of the caretaker's cottage parking area – This is a wide area of lawn that is used by the community for passive and active recreational, social, community pursuits including events when not in active use for sky dive landing – as evidenced by a circle of orange cones within the larger lawn area. Sky diving cannot occur when there are scheduled community events such as the annual Mother's Day Walk. It reflects shared use between commercial and non-commercial recreational use of Stuart Park.	The Master Plan identifies the area south of the Caretakers cottage as "Primary Event Area". The Master Plan does not support formalising any area for organised sport. Wollongong Council has advised the courts and the courts acknowledge that the Skydive operations in Stuart Park is an organised sport. The statement at CU3 supports this acknowledgement. This statement "*when not in active use for sky dive landing*" shows the area is not available to community, as per the Reserve Purpose and the category of the land as Park, to be "used by the community for passive and active recreational, social, community pursuits." The statement at CU3 is seriously incorrect. The use of the

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		area by Skydive is if it is a Sportsground category. The statement *These orange cones are removed by the sky diving company operator when there is not active landing occurring*. This is not reality. Again manifestly incorrect Skydive does not have DA approval to use Stuart Park as a landing zone. You will need to verify what DA (actual number) approval is being stated as giving approval. The DA attached to the licence is DA98/617(am2) which ceased on 6 December 2005. – over 19 years ago. Further the Skydive licence does not permit landing on the Lawn area to the South of the caretaker's cottage. Council needs to provide proof that the statements being made in this PoM are actual and the licence is valid. Advice from Office of Local Government to me is Wollongong Council are in breach of their obligation to the LGA1993 section S46, 47 and 474A with respect to licensing.
39	**P1** Implementing the Stuart Park Master Plan (or any future Council adopted master plan) is permitted even if not listed as a separate entry in this section of the schedule.	Suggested rewording The Stuart Park Master Plan (as amended) may allow additional items/uses not specifically listed as permissible in this section of the PoM, provided those items/uses are consistent with the Reserve Purpose and the Category applicable to the land.
39	**P3** Light training by local sports groups is permitted via Council's booking system	P3 delete wording "Via Council booking system" It's too restrictive and does not allow for group uses as permitted under the category of Park. Implies a category of Sportsground. Note Playing areas under category Sportsground can be booked for organised sport for exclusive use, whereas, a Parks category does not allow. There is no category of Sportsgrounds, defined in Stuart Park. Note The Master plan does not allow for organised sport. Suggested additional wording The SP PoM does not allow organised sport in Stuart Park that would prevent or restrict the use of the Park by the Community.
	P4	Change wording delete "will" replace with "may" - editorial
	P5 Removal of the old cricket amenities building	Reword. The use of the Former cricket amenities building – currently being used as Council Ground staff storage and facilities - to be considered for continuation

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		of use, repurposing or removal. Its future shall be defined in Stuart Park Management Plan (as amended). This PoM allows for all options.
	P6 Regrading of the area west of the access road may also be required to improve stormwater.	Delete This should be in the Management Plan
	P7 Event spaces supported by providing new power to the spaces, widening/strengthening of footpaths to allow for heavy vehicle movements.	Reword Improve facilities and access for events in Stuart Park east of Squires Way by the addition of additional power outlets and access ways. Details to be included in Master Plan, (as amended) in conjunction with planned locations as shown on the master plan and as defined in this PoM for such events.
	P8 Improvements to flooding/stormwater infrastructure for general public (walk, run, exercise including group fitness) and events.	The flooding and stormwater infrastructure could/should be in the Management plan as it gives greater flexibility to design, implement. Reword. Provide and or improve facilities and ground conditions that facilitate general public activities (walk, run, exercise including group fitness) and community events.
	P9 Improvement to the North Beach Car Park, including a multi-level car park to accommodate better access by people using the reserve.	Reword Provide additional Parking opportunities. Including the construction of multi level car park on the site of the existing car park known as North Beach Car Park. *Reason This statement allows for additional parking throughout the Stuart Park precinct including on the western side of Squires Way as shown on the Master Plan.*
	P10 Existing uses, developments, activities can be: • recommenced if ceased – an example of a "recommencing existing activity" is the use a currently vacant personal fitness trainer location permitted under existing DA consent • Maintained or • upgraded or • discontinued	This statement is an open cheque book. Can the cricket be returned to Stuart Park? This statement says so, *recommenced if ceased* This section must define those existing uses developments and activities that will be continuing, discontinuing and what would be expected to be permitted , It needs to be precise. Eg • Fitness groups to continue at levels currently approved • Live steamers to continue in the current location • Skydiving operations to be discontinues as its use of the Park is not consistent with the Dedication Crown Land Reserve Purpose or the core values of the category of a Park. • Upgrade facilities and opportunities for an Increase use of the Park area

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		for Community Events with the emphasis for "Non commercial – Not for profit." and community celebrations.
40 - 41	**Express authorisation of leases and licences and other estates** Leases, Licenses and other estates are expressly authorised under this PoM for permissible uses, developments and activities listed in this Schedule and/or contained within the provisions that apply to all land under this PoM (sections 2A-2H) and the provisions that apply to Crown reserves under this PoM (section 2I). It is noted that Existing Tenures in this schedule are for PoM permissible uses, developments and activities. There are Existing Tenures that are commercial tenures. Section 46(A)(3) of the LG Act states that a lease or licence for a term exceeding five years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.	This statement reinforces why there should be separate PoM's for each section. The reference to "this PoM" means the statement relates to all sections of the City Foreshore including Belmore Basin, North Beach, etc. The relevant leases and licences need to be listed. See earlier comments. The use of the land at Stuart Park needs to be in line with the requirements of CLMA2016 Part 2, 2.12 **2.12 Dedicated or reserved Crown land to be used for limited purposes** Dedicated or reserved Crown land may be used only for the following purposes: (a) the purposes for which it is dedicated or reserved, (b) any purpose incidental or ancillary to a purpose for which it is dedicated or reserved, (c) any other purposes authorised by or under this Act or another Act. Note. Section 3.38 authorises dedicated or reserved Crown land to be used for a purpose specified in a plan of management for the land. See also sections 2.18 and 2.19.
41	**Existing Tenures (T) – Type, Purpose, (Term), Licensee or Lease** **T1**. Licence agreement for occupation of a railway for miniature locomotives for public amusement (28/2/2017 – 27/2/2020 – holding over) with Illawarra Live Steamers Go-operative Ltd over a part of Lot 3 DP 1136814. **T2**. Lease for Stuart Park Cottage for permitted use Office and storage for Skydiving operations conducted by lessee and nonexclusive licence to occupy and use the licensed area (1/10/2009 – 30/9/2014 – holding over). **T3**. Licence agreement for permitted use of Tandem skydiving	All existing Commercial tenures on "carryover' need to be terminated in accordance with CLMA2016 Part 2 2.20 having exceeded the maximum period. **T1** The Illawarra Live Steamers Go-operative Ltd is a community based non-profit organisation and can be granted a long term licence/lease without going out on tender. The current licence, listed at (28/2/2017 – 27/2/2020) could be extended to the maximum period allowed under legislation of 21 years. **T2 & T3** Note The licence and lease relating to Skydiving were all issued without public tender and as such are limited to a maximum of 5 years under each of the CLA1989 S102, CLMA2016 S2.20 and LGA1993 S47A legislation, (this, 5 year maximum, period is stated in each of the licences and lease). The licence and lease are not valid and hence cannot be extended.

	landing areas in Stuart Park, being part of Lot 2 DP 228880 ~~(The former Lot/DP created in 1964 to describe Stuart Park when Sydney Water resumed the sewer pumping station site on the western side adjacent to Fairy Creek. The current Stuart Park Lot/DP is Lot 3 DP 1136814 created in 2009 when George Hanley Drive was resumed from Stuart Park reserve.)~~ (7/12/2005 – 6/12/2011 – holding over). Licensee trading as Skydive the Beach. **T4**. Licence agreement for south landing zone for tandem skydiving as per conditions 7 and 9 of DA 2009/681 to Skydive Holdings Pty Ltd (1/6/2019 - 30/9/2019 holding over). **T6**. Licence agreement for permitted use of operation of commercial surf school activities (1/11/2017 – 31/10/2022 – holding over) to Pines Surfing Academy. **T7** Lease to Emibarb Limited for Kiosk, bistro and restaurant (11/7/2006 – 10/7/2026) of Leased Area of 1402.81 Sq/M and a nonexclusive licensed Area of 643.17 Sq/M for use in conjunction with the kiosk, bistro, restaurant.	*Why is the following included in this section? It has no relationship with existing Tenures.* (The former Lot/DP created in 1964 to describe Stuart Park when Sydney Water resumed the sewer pumping station site on the western side adjacent to Fairy Creek. The current Stuart Park Lot/DP is Lot 3 DP 1136814 created in 2009 when George Hanley Drive was resumed from Stuart Park reserve.) **T4** This licence does not exist. It was for a limited period only. Note: DA2009/681 was given conditional approval in April 2010. The condition requiring approval (obtaining a new licence) was not met hence it did not receive final consent and as such it is not valid. It lapsed in 2015. My understanding is the Australian Parachute Federation has banned the area south of the creek entrance from being used following 3 significant medical incidents relating to Canopy collapse. The last incident was very, very lucky not to be fatal. The PoM should specifically state this area is not to be used for Skydiving activities. **T6** This is a permitted activity within the Stuart Park Reserve Purpose. It needs to be terminated and a new licence issued on short term bases. A short term licence does not need to go to tender but it should. The PoM should identify such licences can be issued by tender, or expression of interest only. **T7** Add the following words The current lease cannot be extended past the end date listed on the lease. Any new Leasing of the restaurant, Kiosk bistro and/or covered deck can be by public tender only.
42	**Management Objectives** The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 1 in section 1.4 for Park, General Community Use and Natural Area Foreshore.	The descriptions are in Table 3 Reword "apply to Stuart Park Reserve". "this land" could be read to cover the whole of the City Foreshore included in the PoM. Add natural areas wetlands and bushland

		This is another reason why each of the areas should be a separate PoM.
42	**Performance Targets (PT)**	Nothing in this section actually lists a performance target. There are statements but no defined quantitative measurable target settings. This whole section needs to be revisited and quantitative measures for each objective be recorded. For example Key measure All leases and licences are in accordance with • the Dedicated Crown Land Purpose and the assigned categories of the land under LGA1993 Section 36 and descriptions in this PoM. • the requirements set out in LGA1993, S46, S46A, S47 and S47A and the CLMA2016 Part 2 and Part 3 Eg Lagoon restaurant lease tender documents issued by 31/01/2026
42	**P1** Stuart Park is a place where the Aboriginal and Non Aboriginal heritage of the area is acknowledged, interpreted, conserved and commemorated appropriately on site through events, uses (such as heritage/culture tours), development (such as art, signage, etc).	Reword **P1** Stuart Park is a place where the Aboriginal and Non Aboriginal heritage and history of the area is acknowledged. This PoM allows and supports activities, facilities and signage which support the interpreted, conserved and commemoration of the heritage and history of the site. ~~appropriately on site through events, uses (such as heritage/culture tours), development (such as art, signage, etc)~~. Program for development included in 2026 Stuart Park Master plan.
42	**Performance Targets (PT)** **PT 2.** The caretaker's cottage is refurbished (alterations, additions) in a manner which is fit for purpose for any future lease, licence or use consistent with this PoM.	Reword This PoM allows for the caretakers cottage to be refurbished, replaced or removed. Any future alterations and use must be in accordance with The Dedicated Purpose of the Reserve and the category of the land – Park. The historical value of the Cottage needs to be considered in any future plans for the building and its use. Any lease for the use of the building shall be by tender or expression of interest only, unless let to non-profit organisation. Targets • Use by Skydive has been ended by 30/06/2025, • Buildings future decision determined by 31/12/2025. • Action required regarding the future of the cottage included in 2026 Stuart Park Master Plan.

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43	**How will we get there?**	Suggested reword The program for achieving the objectives set out in the Stuart Park section of the PoM shall be through the Stuart Park Master Plan (as amended). The Master Plan shall identify improvement and uses in line with the vision of this section of the CF PoM. The master plan shall be reviewed for progress annually and be reviewed at period of not less than 3 years to ascertain if still relevant and is achieving the PoM vision.
	For Performance Target PT4: Ensure that leasing and licensing of permissible uses, developments, and activities is current and in line with Council policies.	This is a performance target that does not align with the requirements of the SP section of the PoM. Leases and licences must comply with the requirements with the CLMA2016 and LGA1993 and Council policy. Where in conflict the legislative requirements shall have precedent. Other uses of the Park and facilities to align with Council Policies.
43	**Manner of Assessment for Objectives and Targets How do we know when we get there?**	This tells me nothing as how the performance of the application of the PoM with respect to Stuart Park will be measured and monitored. I see it as little more than a motherhood statement Suggest the following be considered. The performance targets shall be assessed annually by an independent qualified auditor, in February each year, and the findings be reported to the Council in March each year, against the stated targets. Council may set new or revised targets as part of this annual performance review.
45 - 52	**Stuart Park/JP Galvin Master Plan Description**	This section should be removed from the PoM as it refers to separate planning document. The master plan can be altered without the need to go through the consultation the PoM has to. It is possible to review and adjust the master plan say at least every 3 years. It can be updated annually as plans within the master plan are completed or reviewed including added provided they are in keeping with the PoM for the site. Key elements of the Master plan 2023 that should (Must?) be included in the SP

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LAN OF

Appendix 2c

I will only speak on Stuart Park

I support skydiving for its economic benefit and raising the profile of Wollongong. However I most strongly object to skydiving landing in Stuart Park. Stuart Park is now 140 years old and is a public park and so the general public must at all times have access and use of the Park. There should be no commercial leasing/licencing of the green central area, known as "The Village Green"

Sturt is than a local park- it is a regional park , but also serves as beachside recreation area for people in south-west Sydney. Wollongong has a population ov 220,000 (estimate) but there were less than 10,000 people in Wollongong when the park was established in 1885.

It has in the past had caravans, tennis courts and a zoo.

In about 1980, Council called for expression of interest for a 50 seat café and kiosk to service the needs of the people using Stuart Park. This has over the last 40 years grown into a licenced restaurant – totally different from the original idea.

In 1997 Council adopted a plan of management. The main objectives were

1. To improve the essential green and open character of the Park and create quality recreation space , particularly for the residents of nearby Smith's Hill who have very little useable open space. (I might add in the 38 years since Council has not provided additional open space for Smith's Hill despite recommendation from Jane Irwin Landscape Architects who Council contracted to provide advice for 2007 L.E.P. and increase in floor space ratio of 20%)
2. To encourage passive use of the Park
3. To create further recreation facilities for passive recreation activities
4. To prevent any significant mew commercial uses staring in the Park or the intensification of formal recreation areas

This led to cricket and baseball being relocated out of Stuart Park. The area for cricket and baseball was to become "The Village Green"

Council in about 1999 set up a working party to update the plan of management. Mrs Betty Perry, secretary of South Coast Conservation Society and I representing Neighbour Hood Committee 6 were the two community representatives on the working party. Betty and I argued that the principles and ideas of the 1987 plan of management should be the principles for the new plan of management, especially that there be no commercial activity east of George Hanley Drive. We were told that this was unacceptable. Further we sought clear advice from Karen Fowler, the delegate from the N.S.W. Dept of lands that no lease/licence could be granted or extended beyond five(5) years unless the draft lease/licence had been publically exhibited and all submissions./ comments forewarned to the responsible State Minister who would make the decision. She assured us this was the case. But this has not occurred and the lease/licence has now been about twenty five(25) years without a draft lease/licence being pit on public exhibition Because I believe the wishes of local residents would not be agreed to by Council staff I left the working party.

In late 1996 Council approved Mr Keith Miller to have skydiving landings in Stuart Park (D96/225. I believe it was for six(6) months only.Another clause in the approval was for him to find an alternative landing site – Dalton Park was suggested.

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1998
In ~~193~~ (23rd November D98/617 was approved by Council for 6 months =later extended for 12 months and Council's General Manager delegated to determine whether the application should be given an unlimited time consent. This seems to go contrary to the public interest and in view of the I.C.A.C. enquiry and sacking of Council raises the issue of propriety.

I would argue that both D.A.s were contrary to the then plan on management (1987) and so were not legal. +We have been told that any action of Council must be consistent with the plan of management.

Then ibn about 2006 Council set up an inhouse working party to develop a Management Plan (to be known as "The Blue Mile" . There were no community representatives on this working party. This had provision for an administrative building for Sky Dive the =Beach to be built within Stuart Park. There was considerable opposition to this. There were no details of proposed lease/licence. It seems Council had decided to lease most of "The Villlage Green " to a commercial undertaking that would prevent the general public accessing or using this part of the public park The approval was challenged by a group of local residents in the Land and Environment Court (rather unsuccessfully) I believe that Council may have been influenced as the applicant promised to build public toilets in the building. Now no building has been built and so I can only assume that the building for Sky Dive the Beach will not be built on what has been a public park for 140 years.

Now we note that

1) The lease for the caretaker's cottage was from 1/10/2009 to 30/9/2014 – has been held over for more than 10 years
2) The licence for skydiving landing in Stuart park was from 7/12/2005 to 6/12/2011 – has been held over for more than 13 years

These have been more than two(2) full terms of Council and thus it must be asked as why the holding over periods have been so long

I note

that the number of landings have significantly increased

the area marked by cones by Sky Dive the Beach has significantly increased

The area immediately east of the land used by Sky Dive the Beach is often oderwater at times and unable to be used by the public

Council has referred to a 2023 Management Plan, however Council's minutes of 20 March 2023 reads "The Stuart Park and JP Galvin Park Landscape Master Plan was adopted unanimously on a motion moved by Cr T. Brown (one of the Ward 2 councillors) and seconded by Cr Walters. But in the report written by Luerell Power, Manager Property and Recreation and uauthorised by Kerry Hunt, Director Community Services – creative and Innovative City on page 633 of Council's Business paper included comments

" Sky Dive the Beach not suitable for Stuart Park"

"Query about timeframe for Sky Dive moving elsewhere"

"Sky Dive the Beach" should be moved to Dalton Park or adjacent parkland at fairy Meadow"

Council has failed to address these comments in Council Officers' report

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It must be asked.

if Council allows landings in Stuart park, how will the lase/licence be determined

"Will the land now zoned as recreational need to be classified as commercial and the lease/licence recognise that the land is being used for commercial purposes

Should it include component for extra money to reflect the number of landings /)I belive this occurs at Port Phillip Council in Victoria.

Should there be a time limit on the lease/licence?

Should there be a limit as to how much of Stuart park, especially "The Village Green" can be leased or licenced

How many landings now occur

What percentage of Sky Dive the Beach charges goes to Council?

There are so may questions and I would ask that written answers to them be procided in written form to be before the closing date for submissions.

I would conclude

"Stuart Park" is a public park and so public use and access at all times should be protected and so commercial use that excludes the general public should not occur – it is clearly against the public interest.

I would hope that Council staff and Councillors read the report " Commercial skydiving in Wollongong – item 1 of Council's business paper for 27 April2015

I support in principal skydiving in Wollongong but landings must not be in Stuart POark.

Appendix 2d

Dear Councillors

Management of Leases and Licences

Report prepared by [de-identified]

I write to you concerned about the management of lease and licences with respect to Skydive the Beach in particular.

General Conclusion

I believe Council has no option other than to terminate the lease and licences held by Mr Boucaut for the use of Stuart Park and Dalton Park for the landing of parachutes. This report sets out why. Attachment 1 sets out a brief history of Skydiving in Wollongong and some background to the decisions relating to the continuation of the use of both Stuart Park and Dalton Park.
Advice to me in 2023 from the Department of Local Government, is Wollongong Council is in serious breach of the Local Government Act 1993 with respect to the granting and management of leases and licences, with particular reference to the licences and lease relating to Skydive operations.

My concern is raised by

- the wording in the proposed City Foreshore Plan of Management (CF PoM) currently on display, and
- the response given by Wollongong Council staff to OLG and to myself in 2023, and
- past practices by Wollongong Council Staff.

Whilst the CF PoM does not state Skydiving will be permitted in Stuart Park the wording in the PoM gives the impression Staff are intending to "continue" use of Stuart Park by Commercial skydiving under the "existing use" clause, and bypass approval by the Council through previous resolutions of Council from 2015.

This is backed up by my raising concerns as to the legality of the lease and licences with Wollongong Council and subsequently with the Dept of Local Government (OLG).
I initially raised my concerns with Staff Management back in 2018-20.
After not getting a positive response from Council, I approached the (OLG) who wrote to Council in 2020 and forwarded me the following (in part) November 2020
(note Stuart Park was still under the management of DOL under the CLM Act 2016 changeover.)

OLG wrote to Wollongong City Council in relation to Dalton Park. Council has responded to OLG and has indicated it has commenced the required process to progress to a new agreement for occupation and use of this land for an alternative parachute landing site. Council has confirmed it intends to comply with the land regime contained in the Local Government Act 1993 in granting any new agreement. This will require Council to give public notice and I would recommend that you make your views about continuing use of Dalton Park at that time.

My emphasis

Since Wollongong Council had taken no action by late 2023 with respect their obligation given to OLG in 2020, I again wrote to OLG asking them to follow up. OLG again wrote to WCC . The following is an extract from Wollongong Council's response to OLG. (on this occasion Stuart Park licence/lease comes under LG Act)

Once the Wollongong City Foreshore Plan of Management has been formally adopted by Council, it is Council's intent to then undertake a formal quotation/tender process seeking an operator to licence both the primary landing area and alternate landing site. Until such time as the Wollongong City Foreshore Plan of Management is formally adopted by Council, Council will continue to rely upon the terms of the existing licences with Skydive the Beach. Council will ensure that the proposed granting of licences will be in accordance with its legislative requirements under the Local Government Act 1993.

WCC ref 24585296, Date: 4 October 2023

Note the date 4 October 2023 is 2 months before the CF PoM went to Council (11 December 2023) for approval to send to Lands department.

"Council will continue to rely on the existing licence with Skydive the Beach".
This is the same reasoning given by Andrew Carfield in January 2016. See latter comment at "Does skydive have a valid DA?"
Note The CF PoM, and for that matter the Master Plan, makes no reference to the continuation of Skydiving in Stuart Park. The 2009 PoM makes comment that licences for use of Stuart Park east of Squires Way will be Short term or Casual. Yet in 2023 Council staff are advising OLG they will negotiate for a new licence - long term for Skydiving in Stuart Park, 2 months out of from the CF PoM going to Council for ratification, to send to Lands Dept for approval to exhibit. This raised a red flag. The response from Wollongong Council to OLG reinforces the impression Council management will extend the skydiving operations in Stuart Park after the adoption of the CF PoM. Hence my concerns with the wording in the CF PoM which appears to support the statement to OLG and looks to bypass Councillors need for approval.

Additional advice from OLG (2023) is, Wollongong Council is in serious breach of the requirements of the Local Government Act 1993 with respect to leases and licences under S46, S46A, S47, S47A Should you require confirmation that Wollongong Council is, or is not, in compliance with the requirements of the Act with respect to the lease and licence with STB, I suggest you contact OLG for independent advice.

Condition of Licence
Council to rely upon the terms of the existing licences.
The existing licence for Stuart Park was signed in 2006.
In reference to the licence conditions (which Council "rely upon")
Extracts from licence with relevance.

12.5 Essential terms of this licence include
12.5.2. Obligation of the Licensee in clause 6.1 (dealing with use)
12.5.4 Obligation of the Licensee in clause 10 (dealing with transfer and sub-licence)

Clause 6.1
At 6.1.5 *Comply with all laws regulating how the property is used, including but not limited to development Consent DA98/617(am2). Obtain any consent or licences needed, comply with the condition of consent and keep current any licences or registration need for the use of the property or for the conduct of the Licensee's business there,*

At *10.1 The licensee must not transfer this licence without the consent of the Licensor and the Minister, but that consent cannot be unreasonably withheld.*

emphasis added

Does Skydive have a valid DA approval?
Skydive the Beach (STB) does not have DA approval to land in Stuart Park nor Dalton Park.
Stuart Park
DA98/617(am2) lapsed on 6 December 2005.
Staff have advised that DA2009/681 is an approved DA for the use of landing zones in Stuart Park. This DA was conditional approved with the condition that a new licence was to be entered into before commencing operations. There is no new licence, no exhibition etc that would allow the DA to be issued unconditionally. Hence there is no DA approval. The report to Council in April 2015

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noted Crown Lands had not approved DA2009/681. For the DA to be valid it must be approved by Crown Lands.

It does appear that an attempt was made to grant approval through DA2014/306 for a new building in Stuart Park by changing the operating conditions of the landing in the conditions of the DA which would have given approval similar to those proposed in DA2009/681.

The apparent attempt to give DA approval through DA2014/306 was raised at the extraordinary Council Meeting of 16 January 2016.
Ref to audio (at 10.06) for details

Q: Cr Merrin
So *that would mean we are having an amended DA without going through public consultation?*
A: Andrew Carfield. – Planning Manager
"There has been no physical changes to the proposal. The draft wording was considered by the council and IHAP. The council and IHAP can make additional conditions and make changes. ***Presently Skydive operations are not regulated by operational conditions of consent*** *in this way, the operational requirements of Skydiving are regulated under licence arrangement."*
emphasis added

Clearly Carfield is advising, STB do not have DA approval for their operations.
DA 2014/306 lapsed in 2022 with the building not proceeding.
Comment "the operational requirements of Skydiving are regulated under licence arrangement" is similar to the reasoning Wollongong Council provided to OLG in 2023. ***Council will continue to rely upon the terms of the existing licences with Skydive the Beach.***

The current (2025) skydiving operations in Stuart Park are as if DA2014/306 had been approved. The current operations are not in compliance with the (existing) licence condition.

Council have been aware STB does not have DA approval from, at least. 2016, possibly as early as 2014/15 with the lodgement of DA2014/306. They were aware in the report to Council in April 2015 that STB did not have DA consent from the land owner, DOL.
Correspondence of April 2009 from WCC to STB (Boucaut), states STB's DA1998/617(am2) approval to land in Stuart Park had lapsed on 7 December 2005. There has been no change of licence since 2006 (backdated to 2005) to today. Ie the current situation is the DA attached to the licence has lapsed, the current licence is still the same as 2009, therefore STB do not have DA approval. It implies Wollongong Council was aware the operations by STB in Stuart Park did not have DA approval as far back as 2009.

Dalton Park

The DA attached to the licence is D97/15 which lapsed 18 March 1998. The Licence was signed in 2005 with the rent set at community rate for an area 10x10m.
Dalton Park does have an approved DA - DA2005/473 without limitation on time, granted to Mr Boucaut.

Note Council could give the current operator a short term (say 6 months) licence to operate at Dalton Park under DA2005/473, whilst tenders are being called for a long term lease/licence to operate at Dalton Park, are being processed, to allow the business to continue to operate.

Full Council would need to ratify DA2005/473 continuation. The area is categorised as a sportsground which allows such activities. Stuart Park is categorised as a Park which does not allow such activity, other than on a casual basis.

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General

Condition of Licences

1. Skydive the Beach do not operate within the critical term and condition listed in the licence. The licence for Stuart Park is to comply with DA98/617 (am2) issued November 2000. See attached. Critical issues in DA98/617(am2) include
   - Must cease operations on 6 December 2005,
   - Landing must be restricted to the primary landing area, secondary landings especially the oval must only be used during an emergency.

   The DA condition in the licence to operate from Dalton Park expired in 1998.
2. The licence and lease have not been issued in accordance with the requirements of the LG Act 1993, and/or CLA Act 1989. I have had confirmation from OLG that Wollongong Council is in serious breach of the Act insomuch as
   - The period for both licences and the lease exceeds 5 years without either having gone out for competitive tender.
   - The use of Stuart Park for Skydive the Beach, through renewal and extension has exceeded 26 years. This exceeds the maximum period permitted without Minister's approval of 21 years. Refer to Section 46 of LG Act and comments CF PoM page 29 paragraph 4.
3. The licensee (Mr Boucaut – the individual) listed on the licence no longer has any involvement with the business. The licence has not been transferred in accordance with the term and condition of the licence and lease. Experience Co became the management of the operations in 2015 following floating of the private company.
4. Extension of Licences and lease has been done without approval of Council. Note I have concern with the wording on paragraph 3 page 29 CF PoM, which implies Council Staff can act without the formal approval of the Councillors - as is now happening with the extension of the licences and lease on Hold Over. The extension of licences/lease on "hold over" require approval by the Licensee who is listed in the schedule as the Council of Wollongong City Council. The extension period approval has been done a staff level not by the Councillors.

In response to my enquiries, OLG they have advised me, Wollongong Council has responded they are aware they (WCC) are non compliant with the Act and advised OLG in both 2019 and 2023 they would correct and become compliant. Nothing has happened.

Concerns with the wording in the CF PoM.

The wording relating to **Continue Use** implies consideration of granting an extension of the current landing practices currently allowed by Wollongong Council, despite no reference to Skydiving being an approved activity in the proposed CF PoM nor the Stuart Park Management Plan and would be contrary to the proposed lease licence proposals in the 2008 PoM for Stuart Park that allowed for Casual or temporary licences in Stuart Park east of squires Way - Long term west of Squires Way.

Key references are

Page 37 **General descriptions of Improvements and Land (ref 36(3A) (a) of LG Act.**

Skydive facilities (caretakers cottage) and landing area storage are listed as improvements when they are not. The Caretakers cottage is an improvement but should not be listed as Skydiving facilities. The Skydive landing storage is a container and should be listed as a temporary container without reference to skydiving.

The lagoon restaurant building, the old cricket pavilion, the pond, Bulli soil turf wicket (heritage), bushland and Fairy Creek are some of the improvements and land not listed.

Refer to wording in Act at 36 (3A) (a) (i)

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Must include a description of
(i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management,

Note this section deals with the buildings and improvements to the land.

The use of the buildings and land is listed in 36(3A) (a) (ii) of LG Act.

Refer to LGA Act 36(3A) (a) (ii)
Must include a description of
(ii) the use of the land and any such buildings or improvements as at that date, and

It is described on page 38 of CF PoM -
Existing use and Developments – Conditions and Use (CU) of the land and any buildings and other improvements on the land. Section 36 (3A) (a) LG Act

At **CU1** the description relates to use by Skydiving is correct
At **CU3** the description of the use shows Skydiving has priority use of the Park. Noting the public has access to the Park when Skydiving does not need to use it.

Page 39 **Permitted purposes – Development. Use and Activity (P)**
Section 36 (3A) (b) LG Act. I recommend you read this section of the Act to get full understanding of the requirements.
My concern in this area is the term at P10 and taken in conjunction with P1

Existing uses can be
- *Maintained,*
- *upgraded*
- *discontinued.*

This, I take as extending the use of Stuart Park by Skydiving as current. This is further concerning with comments at P1. It implies future uses can be added without the need to modify the PoM.

P1 Implementing the Stuart Park Master plan (or any future Council adopted Plan) is permitted even if not listed in as a separate entry in this section of the schedule

My emphasis
This should be seen as a blank cheque.

Further serious concerns is raised by CF PoM Section
Express authorisation of Leases licences and other estates. Page 40 – 41.

Leases, Licenses and other estates are expressly authorised under this PoM for permissible uses, developments and activities listed in this Schedule and/or contained within the provisions that apply to all land under this PoM (sections 2A-2H) and the provisions that apply to Crown reserves under this PoM (section 2I). It is noted that Existing Tenures in this schedule are for PoM permissible uses, developments and activities. There are Existing Tenures that are commercial tenures. Section 46(A)(3) of the LG Act states that a lease or licence for a term exceeding five years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.

The statements (as highlighted) in this section reinforces the perceived intent for the continued use of Stuart Park for Skydiving activities especially when read in conjunction with **Permitted purposes – Development. Use and Activity (P)** above.

Existing Tenures are listed in the following section **Existing Tenures (T)** (Page 41)
Of particular concern are T2, T3, T4 relating to Skydive the Beach. I note all leases and licences are holding over.

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In line with the statements in the section above ***Express authorisation of Leases licences and other estates,*** it is clear there is an apparent intent within the wording of the CF PoM, to continue the use of Stuart Park for Skydiving.

Skydive the Beach DA approvals

The CF PoM at this point, **Existing Tenures,** states Skydive the Beach have a valid DA approval. This is not true. See comments above.

On Page 47

Dot point 2

The Master Plan does not support formalising any area for organised sport.

This relates to the current adopted (2023) Master Plan for Stuart Park. The Commercial Skydiving activity has been determined to be operating as an organised sport as defined within the LG Act section 36F Sportsgrond which allows for exclusive use. So why is it still being allowed to continue to operate in Stuart Park which is categorised as Park?

Caretakers Cottage

- *Future works must also consider the adequacy of current storage facilities, amenities and outdoor gathering areas and plan for accordingly.*
- *Any new work should reveal and reinforce the role of the Caretakers Cottage whilst meeting the needs of current and future users.*

My emphasis

These statements again indicate continue use of the cottage for "current use". Ie the continuation of skydiving operations.

Bypassing Council approval or need for Council resolution.

The CF PoM wording appears to reinterpret the Local Government Act. Of main concern is the section

Page 39

Before granting the lease, licence or other estate, Council must consider all submissions duly made to it either by delegated authority under section 377 of the LG Act granted to the General Manager, any sub-delegations available under section 378 of the LG Act granted to staff or by resolution of Council where required.

My emphasis

It is unclear why this is in the CF PoM. It appears to be an attempt to bypass the requirements of the Act with respect to approving Leases and licences. The current practice of extending licence periods without Council approval is reflected is these comments. That practice is in breach of the licences condition and the GM's and Councillors responsibility under section 377 of the LG Act.

The wording appears to be an opportunity for staff to be bypassed Council, should Council give some form of delegation in the past. I am fearful staff could use the resolution of 2015 "to negotiate with STB to renew the lease and licence for operations in Stuart Park", will be used to 'negotiate' a new lease/licence without Councillor oversight and or approval.
I am seeing this approach occurring now, in the extension of the leases and licences under the carryover clause.

Advice from Council's internal legal Counsel in meetings with him in 2020 is

a lease/licence with a holdover clause is a "never ending" lease/licence and staff can extend the lease/licence without further approval from a resolution of Councillors.

It is possibly why there are so many lease/licences on carryover throughout the LGA, and well beyond the maximum 5 year period permitted under the Act; not just only STB lease/licences. In some cases well beyond the absolute maximum period permitted under the various Acts.

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Attachment 1

The Skydive Licence and associated lease and licences – History

The following information is compiled from documents obtained under GIPA requests, other public available sources and/or personal correspondence.

1. 1996 - First granted to Wings - Skydive over the Beach for 12 months 1996. – Public exhibition
2. 1997 - Wings relocated to Dalton Park 1997 , DA97/15. Ceased operation in January 1998 with death of proprietor. Council resolution.
3. 1998 - makes DA application to land in "least used section" of Stuart Park. Granted as DA98/617, approval from 7 December 1998. To 6 December 1999. Commenced landing in June 1999. Licensee Boucaut and Wright (as individuals). DA on public exhibition.
4. 1999 – Boucuat, as Adrenalin Sports Skydiving, submitted new DA in 1999 for continuation of landing in Stuart Park. Approved as DA98/617(am) for 1 year to 6 December 2000 Licensee Boucaut and Wright (as individuals). No record of either DA or licence on exhibition.
5. 2000 - Boucaut, as Adrenalin Sports Skydiving, makes an application for DA extension for 5 year licence. Granted under DA98/617(am2) with additional and reinforced conditions in line with original application in 1998. To cease operations 6 December 2005. Licensee Mr A Boucaut (individual). No record of exhibition of either DA or licence. Stuart Park PoM committee not informed. Communication with Crown Lands extensive with comments re feedback from the public re skydiving use of Stuart Park over previous years taken into account in setting conditions in DA approval.
6. 2005 – Boucaut makes application for DA to use Dalton Park as per Wings (above) for secondary landing site when Stuart Park unsuitable to land. DA2005/473 granted without limitation on time. Licenced issued to Boucaut (individual), Trading as Skydive the Beach. The DA attached to licence is DA97/15 the same as issued to Wings in 1997. DA period lapsed March 1998.
7. November 2005 - Wollongong Council writes to Boucaut offering to renew licence for Stuart Park for another 5 years. (The 2000 Licence did not allow renewal, as per the schedule of the 2000 licence contract.)
   Boucaut did not make an application for extension but accepted the offer. New licence fee negotiated; set by Council Parks division at $5000pa, "Park Fee", it appears for an area of 10x10m in the "least used part of the park" not on the oval, as per the condition of consent DA1998/617(am2).
   Note: the fee represented a daily fee of less than $14/day. The Oval in Stuart Park is classified as an A class venue, which under Council's schedule of fees, attracts a fee of over $3000/day. The 2005 fee for Dalton Park was set at $1400/pa or less than $4/day. The fees have been adjusted by CPI since. The note on record, showing the setting of fee for the ongoing use of Stuart Park, notes the daily "park booking fee" at $81 per day
8. 2006 - Proposed licence with start date listed as 7 December 2006 submitted to GM, Oxley. Oxley had start date, back dated to 2005 to align with the end of the previous licence. The start date was adjusted in the licence but the end date was not adjusted back from 2011 to 2010. The licence was for 5 years. There was no DA application. The previous DA approval DA98/617(am2) was included as condition of consent. DA98/617(am2) has an end date of 6 December 2005. There was no public exhibition of the licence or notification of the application. The request for renewal of the licence went to Council on 4 December 2006 with a block of licences requiring approval to affix the Common Seal of Council. It was approved as part of that block. Licensee Mr Boucaut (individual) Trading as Skydive the Beach.

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2009 – Wollongong Council notifies Mr Boucaut he does not have a valid DA as the DA, DA98/617(am2) had lapsed with an end date of 6 December 2005 and that this was a serious matter and he needed to lodge a new DA as a matter of urgency. He also needs to lodge DA for the use of the cottage. DA, DA2009/681 lodged May 2009. Conditionally approved April 2010. Condition required STB to enter into a new licence that had to go out on public exhibition before commencing operations. There was no new licence or public exhibition. It does appear, DA2009/681 was not shown to the administrators as there is no record as requested from Crown Lands for Council decision.
STB were permitted to continue, and are (2025) continuing, to operate with licence with expired DA consent which Council had identified as a "serious matter" in 2009.

9. 2010 – Lease for use of the cottage granted. After correspondence between Crown Lands, Wollongong Council and Mr Boucaut, it was agreed to a fixed term of 5 years without extension at a negotiated rent. Lease signed October 2010, by GM Farmer with note saying he had delegated authority (Council under administration). The lease does not carry the Council seal and there was no record I could find of any Council meetings that gave authority to the GM to sign or behalf of the Licensor. The Crown Land handbook and LG regulations makes it compulsory for the organisation to attach the Council Seal.
Extract from advice to Councillors in the request renewal of Licence on 4 December 2006.

> *However, clause 400(4) of the Local Government (General) Regulation, 2005 requires Council to pass a resolution specifying the particular documents that the seal will be used on. The original resolutions can only specify that the seal be affixed to the original lease or licence, not the renewals, so it is now necessary to obtain a new resolution to affix the common seal to the new lease or licence.*

It does appear the lease was not disclosed to the Administrators. The copy of the signed lease went to Crown Lands on the Thursday, 16 September 2011 – 4 days after the election of the new Council. Ie after the Administrators had left; and 11 months after signing by GM Farmer.

2010 – extension of Licence for Dalton Park and Stuart Park under the carryover clause.
It should be noted the extension of licences and leases with a carryover clause was applied to more than just the Skydive related lease and licences from 2010. It appears to coincide with the appointment of J Reilly as Legal Counsel in 2009. In conversations with Mr Reilly he advised that a licence with a "hold over" clause was a "never ending contract". Advise to me from OLG was this was incorrect.
The clause in the licence states

> Clause 12.4
> If the Licensor allows the licensee to continue to occupy the property after the end of the licence period (other than under a new licence) then -

This statement shows the licensor must give approval "to allow" in the same sense as approving the licence in the first place.

The Licensor is listed in the licence as

> The Council of the City of Wollongong.

Note The licensor is not Wollongong City Council.
The Crown Lands handbook makes it clear that the role of approving any lease/licence on Crown Lands must be signed by the Trustee. In the case of Stuart Park, that is the Council of Wollongong City acting as trustee.
Section 377 (u) of the LG Act does not allow Council to delegate such authority. Certainly it does not give staff the authority to exercise the role of the licensor.

2014 – New building proposal
DA2014/306.
The DA was given approval by the L&E court. The DA lapsed in 2022 with the building not being built.
This proposal has its starting back in 2011, when Mr Boucaut wrote to Mr Coyte (28/11/2011) outlining his plans. Some of the key relevant statements of that proposal.

As discussed recently Skydive the Beach is looking to consolidate the business in the current Stuart Park location.
The request to renegotiate [lease] has two parts:

1. Skydive the Beach is seeking to extend the current lease period which expires in 3 years to at least a further lease of five years with 4 options, 20 years in total.
2. Skydive the Beach is undertaking a feasibility assessment of the construction of a purpose built facility. Skydive the Beach will provide all the capital required for this facility but would like to negotiate a lease that allows us to amortise that investment as well as making a reasonable return on the investment. ..... that becomes Council property after 30 years

Skydive the Beach understands that leases on Council or Crown lands are normally placed to open competition, however put forward the following comments in support of this request:

- The use has been covered off in the Plan of Management which had a substantial level of community consultation.

The proposal to extend the lease is to firstly provide Skydive the Beach the certainty of the location to continue to expand the business ...

As a first stage I would request your consideration of the lease extension in principle. ..

The proposed new building site was as shown on the 2009 PoM. The inclusion of a new building for Commercial purposes was contrary to the 2000 PoM. The 2009 PoM was not approved by Crown Lands as required by legislation.
Advice to the Courts; "POP V WCC el others"; by both Wollongong City Council and STB legal teams was the 2000 PoM was the statutory PoM for Stuart Park. The 2009 PoM was a policy document. STB provided to the court, document evidence that they had, on the recommendation of a Wollongong Council employee, approached Lands Department to see how they could circumnavigate the restriction of the 2000 PoM and/or have the 2009 PoM adopted.
The day after the judgement was handed down the Wollongong Council employee wrote to lands department seeking how to circumnavigate the condition in the 2000 PoM - of no new commercial buildings. Crown Lands responded inviting Wollongong Council to seek cancellation of the 2000 PoM., The GM formally requested the cancellation of the 2000 PoM in September 2016. The Minister cancelled the 2000 PoM and 2005 South Beach PoM but did not adopt the 2009 PoM, in April 2017 after; as reported in the Illawarra Mercury, 1 May 2017; further representation by the Lord Mayor Gordon Bradbery to Garth Ward. The same article reported the proposal for the new building "*has been in the works since 2011*".
Under both the CLA Act 1989 and the LG Act 1993 the POM for an area is still valid until it is replaced by a new PoM, so adopted. (LG Act 1993, S41) As of February 2025 the way Stuart Park can be managed, under legislation, is the 2000PoM. – as confirmed by the Court Judgement.

The Courts ruled that STB could build the Purpose built building as ancillary to the landing operations in Stuart Park. Once the courts ruled STB could build the building Wollongong Council imposed conditions as to the operations of the landing. This is despite STB saying in

[redacted]

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the DA application, and advice to the courts, the DA was for the building only and did not include changes to operations of the business.

The IHAP panel introduced the condition that STB could ma[redacted], without any notification being made prior to the announcement. Comm[redacted]as made by a Council Manager in response to an enquiry from a member of the public that the IHAP panel had met with the proponents prior to the IHAP meeting at which the proposed changes in operations was introduced by the Chair. Such a meeting is in conflict with the IHAP charter.

If the building had been built the conditions would have been part of the new landing conditions. This was challenged by some Councillors as detailed above (Does Skydive have a valid DA approval?).

Despite the fact the building was not built and the DA lapsed the conditions of consent proposed as conditions of consent to the DA, with respect to landing operations, remained and are in operation by STB regardless they are not in keeping with the condition of the licence. The operating conditions exceed even those proposed in the DA2009/681 DA application.

10. 2015 – Change of licensee

Mr Boucaut sold the business through floating the company to become an ASX listed company; Skydive the Beach Holdings Pty Ltd.

The business name was later changed to Experience Co.

Mr Boucaut has no day-to-day management of the business yet he is still the nominated licensee (as an individual not incorporated as a comp-any) of the licences for Stuart Park and Dalton Park.

Wollongong Council has advised that it is not important that the change of ownership is recognised and recorded on the various licences. Note earlier a comment that the lease and licences that the change of ownership is an essential term of the contracts. See earlier comments re condition of licence.

12.5.4 Obligation of the Licensee in clause 10 (dealing with transfer and sub-licence)

At *10.1 The licensee must not transfer this licence without the consent of the Licensor and the Minister, but that consent cannot be unreasonably withheld.*

11. 2023 – Stuart Park Master Plan

There is no mention of Skydiving being part of the future of Stuart Park operations.

12. 2024-5 Draft City Foreshore PoM

There are certain statements within the CF PoM, especially, ***Continuation of existing uses*** that indicates Wollongong Council is planning to continue the use of Stuart Park for Commercial Skydiving.



Wollongong City Council

2025 Wollongong City Foreshore Plan of Management

wollongong
city of innovation

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2025 Wollongong City Foreshore Plan of Management

Includes:

An Iconic Headland:	Flagstaff Point (Flagstaff Hill)
Patrolled Beaches:	North Beach and City Beach
Footpath/Shared Way/Cycleway:	The Blue Mile
Parks:	Stuart Park, JP Galvin Park, Lang Park, Battery Park, Osborne Park, Belmore Basin, and Andrew Lysaght Rest Park

Document Control Document ID: Wollongong City Foreshore Plan of Management - 23633646		
Revision Number	**Adoption Date/In force Date**	**Revision Details**
1st Draft to exhibit	N/A	11 Dec 2023 Council Report seeking Council Resolution to refer to the NSW Dept of Planning and Environment (DPHI) – Crown Lands for authority to exhibit for public comment.
2nd Draft exhibited 17 Dec 2024 to 26 Feb 2025	N/A	As result of DPHI – Crown Lands Review, changes were made in July – October 2024 to the draft PoM. • Additional information regarding Council's future Coastal Management Plan and Council's existing Coastal Zone Management Plan has been added to the PoM at Section 2B of the PoM and the Appendix 1. • The objectives of the Coastal Management Act 2016 have been added to the existing Act description in Appendix 1. • Typographical errors were corrected, Table of Content expanded, project work, legislative and policy references were updated, Crown community land categories were made: o The Information Schedule for Crown Reserve Number 40908 (Brighton Lawn) was updated by applying only the General Community Use and Park Categories. o The Information Schedules for Crown Reserve Numbers 72138 (Battery Park) and 1000384 (Andrew Lysaght Park) were updated by replacing the Cultural Significance category with the existing initial category of Park (as per Council report of 29 Oct 2018 and approved by the Minister on 14 Mar 2019). Heritage related management objectives and performance targets remain in the schedules. o 84424 Information Schedule updated as categorised as majority Park and General Community Use applied to smaller area of reserve. Information added on adjoining land uses including existing ticket box. o 71482 Information Schedule updated by removing "restaurant" from "café/restaurant" as a possible Blue Mile Masterplan development. o Sentence fragment corrected by deleting words "managed public land" in Flagstaff Hill Council Owned Land Information Schedule. o Corrected reference to LG Act in PoM section 2F Express authorisation of leases and licences and other estates in the PoM - in relation to Ministerial consent. LG Act section 47 applies to terms "of 5 years or less" and section 47A – is "more than 5 years"
3rd Draft	N/A	30 June 2025 Amended Draft reported to Council

Acknowledgement

We acknowledge the Traditional Custodians of the land on which our city was built, the Aboriginal people of Dharawal Country. We recognise and appreciate their deep connection to this land, waters, and our greater community.

We pay respect to Elders past, present and those emerging and extend our acknowledgement and respect to all Aboriginal people who call our city home.

We recognise Aboriginal people as the first people to live in the area. We respect their living cultures and recognise the positive contribution their voices, traditions and histories make to our city.

In celebration of unity, culture, both traditional and contemporary we acknowledge the rich history of our local Aboriginal heritage.



Osborne Park Artwork

Crown land has significant spiritual, social, cultural, and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests, and involvement in Crown land.

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KEY INFORMATION

This Plan of Management (PoM) has been prepared by Wollongong City Council and provides direction as to the use and management of council-managed Crown reserves and Council land classified as 'community land' in the Wollongong Local Government area. The PoM is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

This PoM specifically addresses the management of both Crown reserves and Council owned community land referred to as the Wollongong City Foreshore or the Blue Mile. The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a site-specific PoM covering land where the reserves are complex and there are areas where a heritage listing under the Wollongong Local Environmental Plan (LEP) 2009 and/or listing under the NSW State Heritage Register applies.

1 INTRODUCTION

Wollongong Local Government Area (LGA) is in the Illawarra – Shoalhaven Region of New South Wales, about 80 kilometres south of Sydney. The Wollongong LGA is diverse containing a Regional City Centre, substantial industrial and port functions, as well as large areas for residential use. The estimated resident population in 2024 is 221,894 (Wollongong Community profile). Overall, the City is forecast to reach a population of 291,797 by 2046 (population forecast Wollongong). The City's urban development stretches in a linear fashion away from central Wollongong along the coastal plain, between the Illawarra Escarpment in the west and the Tasman Sea in the east.

The LGA encompasses a total land area of 714 square kilometres, including bushland, dams, cliffs, and beaches. The Illawarra escarpment is comprised largely of protected bushland. The western half of the LGA contains important drinking water catchment areas for Sydney and the Illawarra. Continued demand for apartment living in and around the CBD will cater for the growth of smaller households, particularly students and young adults. Within the established suburban areas, there are several strategic development sites, most notably at West Dapto, that will influence growth in the short to medium term.

Recreationally, Wollongong has 17 patrolled beaches, 493 parks with 154 playgrounds, 65 sports fields, 220 playing fields, nine ocean rock pools, six free public swimming pools, two heated public pools, seven outdoor fitness stations, nine turf wickets, and one golf course to serve our growing population.

The Wollongong City Foreshore, also called the Blue Mile, is the preeminent area for the city to come together, to celebrate, collaborate and enjoy Wollongong's dramatic coastal setting where the Illawarra Escarpment meets the Tasman Sea.

In 2007 Council adopted the Blue Mile Master Plan, followed by the first Wollongong City Foreshore Plan of Management being developed in 2007 and adopted by Council in January 2008. Extensive investment in implementing the Blue Mile Masterplan by Council has seen the city foreshore grow in popularity and there has been a wider breadth of events, activities, and recreational, social, and cultural pursuits on offer to meet the diverse needs of the Wollongong community.

In September 2022 the Wollongong City Foreshore was the focal point of the World UCI Road cycling championships. The world's best road cyclists placed Wollongong on the global stage for two weeks with many starts and finishes at Lang Park along the City Foreshore. Lang Park is just one of several Crown land coastal reserves that make up the Wollongong City Foreshore, although there are some Council owned land areas along the foreshore too, such as Osborne Park across from the Brighton Lawn Crown reserve at Wollongong Harbour.

By 2023, most of the Blue Mile Masterplan hads been created (Table 1) and in March 2023 a new masterplan applying to Stuart Park and JP Galvin Park, was adopted.

There is also a new masterplan to be developed over Lang Park in 2025/26. It is timely then that the 2025 Wollongong City Foreshore Plan of Management is completed. ~~updated now.~~ Figure 1 shows the Plan of Management (PoM) area. From the north, the PoM area begins with Stuart Park, North Wollongong and concludes at the Swan Street end of Coniston Beach in the south. The western boundary of the PoM area varies and includes George Hanley Drive, Cliff Road, Hector Street, and land managed by Venues NSW (the Win Entertainment Centre and Stadium).

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Table 1 Blue Mile Masterplan Implementation Status

2007 Blue Mile Masterplan Proposals	2023 Blue Mile Implementation Status
General Upgrades: Foreshore shared way – footways, viewing areas wider, cyclists and pedestrians better separated. Lang Park, City Beach, Wollongong Foreshore Park, Flagstaff Hill, Brighton Lawn, Osborne Park, Battery Park, North Beach, Stuart Park – Heritage celebrated through art and signage, safety, movement and parking improvements and upgrade of play spaces and park features and amenities	Council has progressively implemented significant public infrastructure, recreation and tourism experiences in the foreshore area stretching from the Wollongong Golf Course in the south to Fairy Creek in the north. The tramway improvements are world class and are a major attractor of residents and visitors to the area. Stuart Park improvements completed: upgrading of the playground, installation of contemporary toilets, and new and upgraded shelter and picnic facilities.
Redevelopment of Facilities Planned: Continental Pool North Beach Bathers Pavilion	The Continental Pool has been routinely maintained and are in well working order. There is more Lifeguard office space than there was in 2007. The North Beach Bathers Pavilion was redeveloped by 2012 with a restaurant, lifeguard facilities, and public change rooms and toilet/shower facilities in keeping with the building's heritage values.
The 2007 Blue Mile Master Plan also included a number of ambitious projects, such as underground car park in Lang Park, redevelopment of Continental Pool, Multi-level car park at North Beach and visitor information centre/café at Flagstaff Hill which have not progressed**.**	

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Figure 1 Wollongong City Foreshore PoM Area Map



The Wollongong City Foreshore PoM Area Map in Figure 1 includes Crown Reserves and Council Owned Community Land Areas that are mapped, ordered, and described in greater detail further in the PoM at Section 2 *PoM Information Schedules*.

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Subject to Ministerial Approval to become the Crown Land Manager for Lang Park 580097 then the PoM Area Map below would become Figure 1 Wollongong City Foreshore PoM Area Map.



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Figure 1a PoM Area Land Types Map – Stuart Park and North Beach



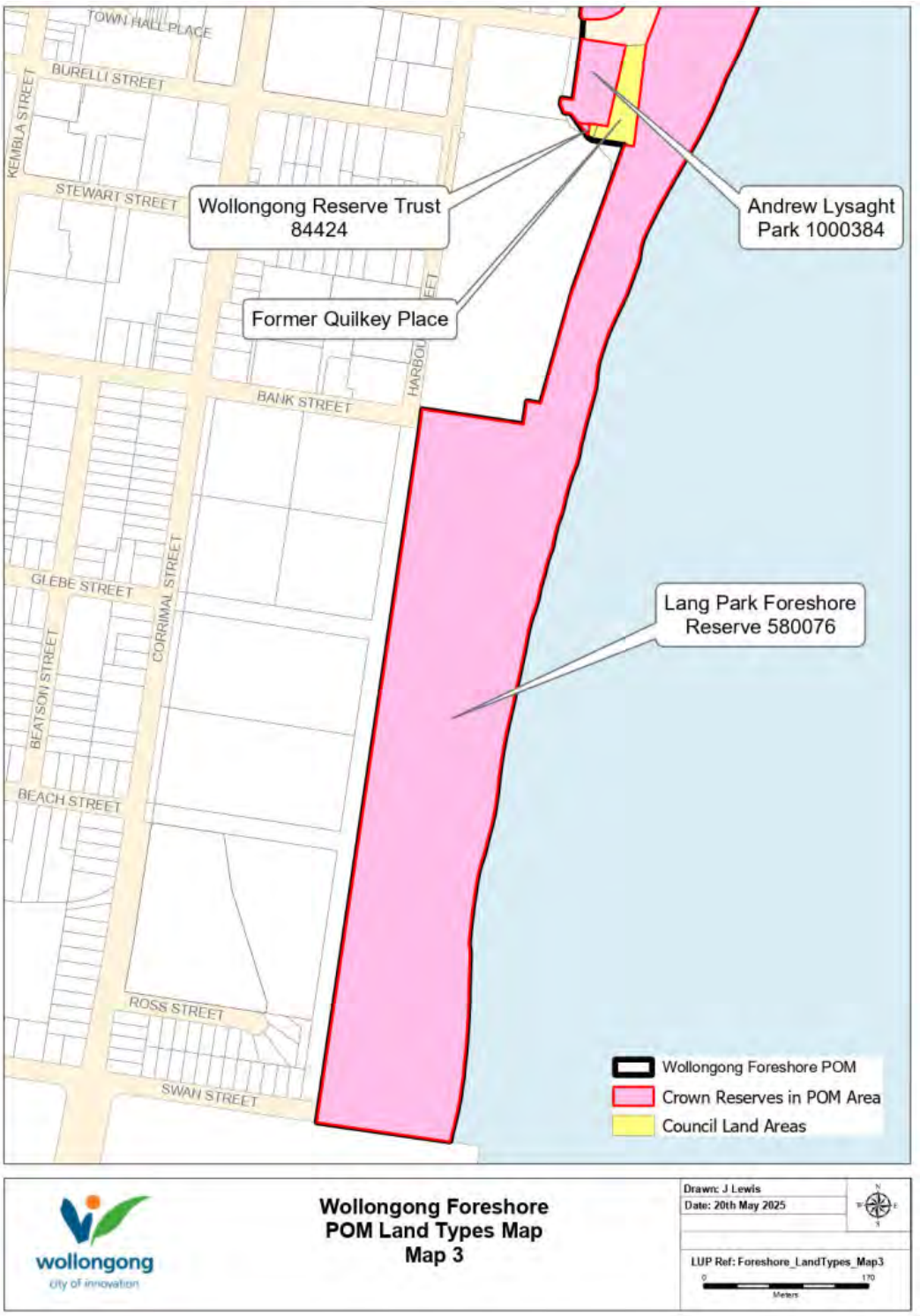
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Figure 1b PoM Area Land Types Map – Battery Park, Flagstaff Point, City Beach



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Figure 1c PoM Area Land Types Map – Andrew Lysaght Park & Lang Park South



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1.2 Land included in this Plan of Management

This Wollongong City Foreshore PoM applies to the Crown Reserves and the Council owned community land listed below in sections 1.2.1 and 1.2.2.

1.2.1 Crown Reserve Name - Reserve Number

1. Stuart Park - Crown Reserve Number 580060
2. North Wollongong Surf Life Saving Club - Crown Reserve Number 71482
3. Battery Park Reserve – Crown Reserve Number 72138
4. Brighton Lawn – Crown Reserve Number 40908
5. Flagstaff Point – Crown Reserve Number 580103
6. Not Named by Gazettal - “Nun’s Pool” Crown Reserve Number 40944
7. Not Named by Gazettal - “Ladies Pool” Crown Reserve Number 40945
8. Lang Park Foreshore – Crown Reserve Number 580076
9. Lang Park – Crown Reserve Number 580097 – subject to being appointed as the Council Crown Land Manager by the Minister [*enter date of effect if appointed*]
10. Andrew Lysaght Park – Crown Reserve Number 1000384
11. Wollongong Reserve Trust – Crown Reserve Number 84424

Later in the PoM at Section 2 *PoM Information Schedules,* each Crown reserve listed above has an individual Schedule that provides further details on the nature and characteristics of the relevant land, its current use and future management to comply with sections 36(3) and 36(3A) of the *Local Government Act 1993* (LG Act). For Crown land, each gazetted Crown reserve public purpose(s) is provided. The public purpose(s) of a Crown reserve dictates it use and management.

1.2.2 Council Owned Community Land

1. George Hanley Drive – Small land lots on the southern boundary of George Hanley Drive which used to be part of a coal railway
2. Osborne Park – Park lands opposite Brighton Lawn (Belmore Basin/Harbour Area)
3. Old Court House – Historic Building opposite Wollongong Harbour
4. Flagstaff Hill – Land at Flagstaff includes most of the carparks overlooking City Beach
5. Lang Park – Park land near Hector Street and surrounded by Crown Reserve
6. Former Quilkey Place – Parking area - Andrew Lysaght Park/Entertainment Centre

Later in the PoM at Section 2 *PoM Information Schedules,* each Council Owned Community Land Area listed above has an individual Schedule that provides further details on the nature and characteristics of the relevant land, its current use and future management to comply with sections 36(3) and 36(3A) of the *Local Government Act 1993* (LG Act).

The PoM Information Schedules at Section 2 are ordered from North to South regardless of land type. For example, at PoM Section 2.1 is the Crown Reserve Stuart Park Number 580060 PoM Information Schedule. At PoM Section 2.1a is the Community Land Area - George Hanley Drive - PoM Information Schedule. Each Schedule includes detailed mapping showing where community land categories apply, Road names, and what land lots are contained in each Crown Reserve or Council Owned Community Land area.

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1.2.3 Land not included in this Plan of Management

- ~~Lang Park – Crown Reserve Number 580097 – Leasing and licensing is directly managed by Department of Planning, Housing and Infrastructure – Crown Lands. Council has care and control on reserve (mowing, maintaining infrastructure) only. A plan of management cannot apply to devolved Crown land such as this reserve. Should the reserve become a reserve where Council is the Crown Land Manager under the CLM Act in the future, then this PoM could be amended in the future to include this reserve. This part of Lang Park is the northwest corner fronting Cliff Road.~~
- Wollongong City Beach Function Centre and Wollongong City Beach Surf Life Saving Club. This land is owned by Wollongong City Council and is classified as Operational land under the LG Act 1993. Council resolutions and any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land direct the use and development of operational land. A plan of management is not required under the LG Act for land classified as operational land.
- Scout Hall Virginia Street, North Wollongong - Lot 98 DP 751299 – This land is not owned by Council. It is directly managed by the NSW Government. Council does not have care and control of this land.
- Portions of Belmore Basin (some of the land at the Harbour) and Flagstaff Hill (the larger Lighthouse) are owned/managed by Transport for NSW (previously NSW Maritime Services).
- Any devolved Crown reserve along the Wollongong City Foreshore as a plan of management cannot apply to devolved Crown land.

1.3 Purpose of the plan of management

The LG Act requires a plan of management (PoM) to be prepared for all public land that is classified as Community land under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the LG Act. A PoM is required for all council-managed Crown reserves classified as community land.

The purpose of this PoM is to:

- contribute to Council's broader strategic goals and vision as set out Our Wollongong Our Future ~~2032~~ (Council's 10-year Community Strategic Plan)
- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016* for both the Council owned Community land areas and the community land Crown reserves under this PoM.

The Minister of Lands and Property administers the CLM Act through the NSW Department of Planning, Housing and Infrastructure – Crown Lands (Crown Lands). Council has developed this Wollongong City Foreshore Plan of Management as noted in Table 2 to Ministerial requirements. Further information about the legislative context applying to plans of management containing Crown reserves can be found in Appendix 1 of this document.

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Table 2 PoM Process and Legislative Requirements

CLM Act or LG Act PoM Legislative Requirement	Relevant PoM Section or Process Date
Community land categories applied to the land under this PoM (both CLM Act and LG Act)	The PoM Information Schedules for each Crown Reserve and for each Council Community Land Area contain this information. Section 1.4 provides information more generally about community land categories as they are defined under the LG Act.
Identified management objectives and performance targets for the land (Both CLM Act and LG Act)	
Express authorisations to grant lease or licences over the land that are related to the permitted uses and developments under the PoM. (Both CLM Act and LG Act)	
Native Title Manager Review and Advice (CLM Act)	
Refer draft PoM to the DPHI-Crown Lands for Minister for Lands and Property seeking approval to exhibit (LG Act and CLM Act and Crown Land Management Act Regulation)	Council at its meeting of 11 December 2023 referred the draft PoM to DPHI-Crown Lands.
Minister approval to exhibit the draft CLM Act compliant PoM (CLM Act) for public comment	The Minister's approval to exhibit the draft PoM was granted via Departmental correspondence of 25 September and 16 October 2024.
If Applicable, a request to add an additional Crown reserve purpose to a Crown reserve under this PoM. (CLM Act)	No additional reserve purposes have been requested.
Exhibit the draft Wollongong City Foreshore PoM for public comment (both CLM Act and LG Act)	Public Comment/Exhibition Period – 17 December 2024 – 26 February 2025
Notice to Chief Executive of Office of Environment and Heritage - Local Government Act 1993 36D(3)(d)(i)	Notice provided on 17 December 2024.
Hold a public meeting chaired by an independent chairperson (LG Act)	A public meeting was held on 13 February 2025.
Report to Council on the results of the public comment/exhibition period for the draft Wollongong City Foreshore PoM (CLM Act and LG Act)	Council at its meeting of 30 June 2025, considered submissions received and issues raised during the public meeting during exhibition of the draft Wollongong City Foreshore PoM.

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CLM Act or LG Act PoM Legislative Requirement	Relevant PoM Section or Process Date
	At the meeting Council decided*: [choose the possible outcome from below once known after the meeting]* • to adopt the PoM without change • change the draft PoM in a minor way and adopt the PoM • change the draft POM in a significant way and refer the amended draft PoM back to the Minister for authority to exhibit the amended draft PoM for public comment for a minimum of 42 days.
Section 42 (1) of the LG Act Revocations upon adoption of this PoM	2008 Wollongong City Foreshore PoM and the 2002 Andrew Lysaght Rest Park PoM.

1.4 Community Land Categories

The LG Act requires plans of management over community land to guide both:

- the use of the land by the public; and
- the management of the land by Council.

This guidance is provided by applying LG Act defined Community Land Categories to the land under the PoM.

The possible Community Land Categories to apply to land are Park, Sportsground, General Community Use, Area of Cultural Significance or Natural Area. Natural Area is further subcategorised into Watercourse, Wetland, Foreshore, Bushland or Escarpment. Guidelines for applying community land categories are provided by the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act (Appendix 1).

Figure 2 includes the possible community land categories under the LG Act and shows the colours used in the community land category mapping in the Information Schedules to designate where a particular community land category applies to land under this PoM.

Leasing and licensing of community land is to be consistent with the core objectives of the community land category that applies to the land. The community categories of Park, Natural Area Foreshore, General Community Use and Sportsground have been applied to Crown land under this PoM as described in each Crown land Information Schedule and shown in the schedule mapping. For Crown reserves, community land categories are to be consistent with the public purpose(s) set by the NSW Government. Community categories reflect the characteristics of the land and consideration of how the community uses the land within the legislative context as described in Appendix 1. For Crown land, the Minister may direct a Council to apply a community land category or categories to certain land as part of the PoM making process under the CLM Act.

For Council owned community land areas under this PoM, the community categories of Area of Cultural Significance, Park, Natural Area Foreshore, and General Community Use have been applied under this PoM as described in each Information schedule and shown in the schedule mapping.

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Figure 2 – Community Land Categories under the LG Act

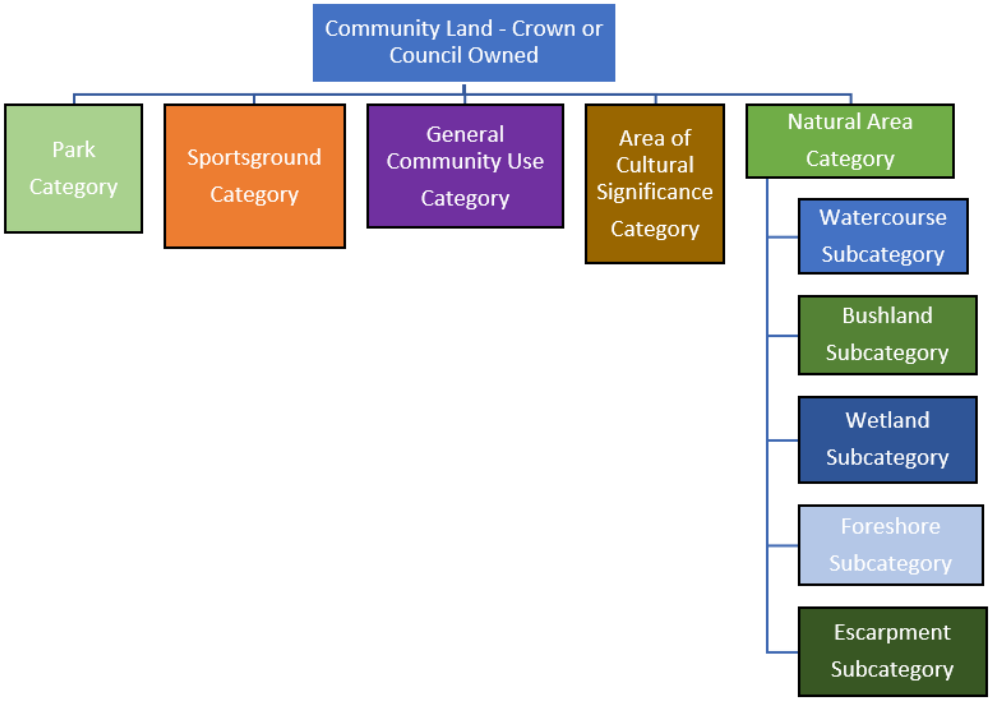


Table 3 provides the LG Act Core Objectives for each of the PoM community land categories that apply to land under this PoM. Table 3 is referenced in each PoM Information Schedule as part of the Management Objectives for each Crown Reserve and Council Owned Community Land Area according to which community land categories are applied by the Category mapping and category descriptions in the schedule.

Table 3 Community Land Category Types and the respective Core Management Objectives under the LG Act

LG Act Section	**Table 3 Community Land Category Types and the respective Core Objectives** for management of community land **by Category** (see individual Schedule Maps for where the category applies at PoM Section 2 *PoM Information Schedules*)
36 G **PARK** Category	(a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and (b) to provide for passive recreational activities or pastimes and for the casual playing of games, and (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management. There are **correlating Our Wollongong Our Future 2032 Goals:**

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LG Act Section	**Table 3 Community Land Category Types and the respective Core Objectives** for management of community land **by Category** (see individual Schedule Maps for where the category applies at PoM Section 2 *PoM Information Schedules*)
	• Wollongong is a creative, vibrant city. • We have a healthy community in a liveable city. • We have an innovative and sustainable economy. Council resolved on 7 April 2025 to exhibit the Draft Our Wollongong Our Future 2035 – Integrated Planning Documents. The draft Our Wollongong Our Future 2035 includes the following 4 Goals which would replace the correlating 2032 goals above if adopted by Council in June 2025. • Sustainable: We are a sustainable and climate-resilient city. • Connected: We have well-planned, connected, and liveable places. • Vibrant: We foster a diverse economy and value innovation, culture, and creativity. • Inclusive: We have a healthy, respectful, and inclusive community.
36 E **NATURAL AREA** Category	(a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and (b) to maintain the land, or that feature or habitat, in its natural state and setting, and (c) to provide for the restoration and regeneration of the land, and (d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994. (There are none of these plans for any land within the Wollongong LGA) There are **correlating Our Wollongong Our Future 2032 Goals**: • We value and protect our environment. • We have a healthy community in a liveable city. Council resolved on 7 April 2025 to exhibit the Draft Our Wollongong Our Future 2035 – Integrated Planning Documents.

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LG Act Section	**Table 3 Community Land Category Types and the respective Core Objectives** for management of community land **by Category** (see individual Schedule Maps for where the category applies at PoM Section 2 *PoM Information Schedules*)
	The draft Our Wollongong Our Future 2035 includes the following 3 Goals which would replace the correlating 2032 goals above if adopted by Council in June 2025. • Sustainable: We are a sustainable and climate-resilient city. • Connected: We have well-planned, connected, and liveable places. • Inclusive: We have a healthy, respectful, and inclusive community.
36 H Area of **CULTURAL SIGNIFICANCE** Category	(1) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods. (2) Those conservation methods may include any or all of the following methods— (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance, (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material, (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state, (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact), (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land. (3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

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LG Act Section	**Table 3 Community Land Category Types and the respective Core Objectives** for management of community land **by Category** (see individual Schedule Maps for where the category applies at PoM Section 2 *PoM Information Schedules*)
	There are **correlating Our Wollongong Our Future 2032 Goals:** • We value and protect our environment. • We have a healthy community in a liveable city. • We are a connected and engaged community. • We have an innovative and sustainable economy. • Wollongong is a creative, vibrant city. Council resolved on 7 April 2025 to exhibit the Draft Our Wollongong Our Future 2035 – Integrated Planning Documents. The draft Our Wollongong Our Future 2035 includes the following 4 Goals which would replace the correlating 2032 goals above if adopted by Council in June 2025. • Sustainable: We are a sustainable and climate-resilient city. • Connected: We have well-planned, connected, and liveable places. • Vibrant: We foster a diverse economy and value innovation, culture, and creativity. • Inclusive: We have a healthy, respectful, and inclusive community.
36 N **FORESHORE** Sub – Category	(a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and (b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use. There are **correlating Our Wollongong Our Future 2032 Goals:** • We value and protect our environment. • We have a healthy community in a liveable city. Council resolved on 7 April 2025 to exhibit the Draft Our Wollongong Our Future 2035 – Integrated Planning Documents. The draft Our Wollongong Our Future 2035 includes the following 3 Goals which would replace the correlating 2032 goals above if adopted by Council in June 2025. • Sustainable: We are a sustainable and climate-resilient city. • Connected: We have well-planned, connected, and liveable places.

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LG Act Section	**Table 3 Community Land Category Types and the respective Core Objectives** for management of community land **by Category** (see individual Schedule Maps for where the category applies at PoM Section 2 *PoM Information Schedules*)
	• Inclusive: We have a healthy, respectful, and inclusive community.
36 I **GENERAL COMMUNITY USE** Category	To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public— (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities). There are **correlating Our Wollongong Our Future 2032 Goals:** • Wollongong is a creative, vibrant city. • We have a healthy community in a liveable city. • We have an innovative and sustainable economy. • We are a connected and engaged community. Council resolved on 7 April 2025 to exhibit the Draft Our Wollongong Our Future 2035 – Integrated Planning Documents. The draft Our Wollongong Our Future 2035 includes the following 4 Goals which would replace the correlating 2032 goals above if adopted by Council in June 2025. • Sustainable: We are a sustainable and climate-resilient city. • Connected: We have well-planned, connected, and liveable places. • Vibrant: We foster a diverse economy and value innovation, culture, and creativity. • Inclusive: We have a healthy, respectful, and inclusive community.
36 F **SPORTSGROUND** Category	(a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and (b) to ensure that such activities are managed having regard to any adverse impact on nearby residences. There are correlating **Our Wollongong Our Future 2032 Goals:** • Wollongong is a creative, vibrant city. • We have a healthy community in a liveable city.

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LG Act Section	**Table 3 Community Land Category Types and the respective Core Objectives** for management of community land **by Category** (see individual Schedule Maps for where the category applies at PoM Section 2 *PoM Information Schedules*)
	• We have an innovative and sustainable economy. Council resolved on 7 April 2025 to exhibit the Draft Our Wollongong Our Future 2035 – Integrated Planning Documents. The draft Our Wollongong Our Future 2035 includes the following 4 Goals which would replace the correlating 2032 goals above if adopted by Council in June 2025. • Sustainable: We are a sustainable and climate-resilient city. • Connected: We have well-planned, connected, and liveable places. • Vibrant: We foster a diverse economy and value innovation, culture, and creativity. • Inclusive: We have a healthy, respectful, and inclusive community.

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Wide range of uses of Community land within a regulatory context is encouraged

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Wollongong Local Government Area and community land serves biodiversity and ecosystem functions.

Council encourages a wide range of uses of community land within a regulatory context to create public spaces that are shared and meets community needs. Council often regulates the use of community land by sign posting, and ranger patrols to enforce posted rules of such things as where to park or walk a dog (on leash or off) or where it is safe to swim (between the flags) or warn of potential risks such as strong currents, stormwater discharge or shore drop off.

Condition and age of existing signage along the City foreshore varies. Vegetation vandalism is addressed through signage and the images that follow demonstrate this and include examples of other routine matters addressed by signage at Stuart Park, City Beach and the Harbour.



Stuart Park / Puckeys Lagoon



City Beach – Education signage about the importance and types of dune vegetation present located in an area of past vegetation vandalism.

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Typical Signs – Beach Safety, No Camping, No Off Leash Dogs at City Beach and the first response to Tree Vandalism at the Harbour at Belmore Basin in 2022



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The tea trees were loved across generations of Wollongong residents and their loss was felt by young and old and prompted actions by Council to convey their social meaning and value. The signage above features the impact of the loss of the trees on adults and children who use the park through their own words and their own art.

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1.4.1 Restrictions on management of Crown land

Council is the Crown Land Manager of the Crown reserves under this PoM in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the Crown land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved.
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993*
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the *Crown Land Management Act 2016*
- consider any interests held on title.

1.5 Process of preparing this plan of management

The Wollongong City Foreshore PoM was prepared in accordance with both the LG Act and CLM Act in process and content as noted earlier in Table 1, with community consultation further described in section 1.5.1 below.

1.5.1 Community consultation

As noted in Table 2, the PoM was placed on public exhibition in accordance with the requirements of section 38 of the *Local Government Act 1993*.

In accordance with section 39 of the *Local Government Act 1993*, prior to being placed on public exhibition, the draft PoM was referred to DHPI-Crown Lands as representative of the state of NSW, which is the owner of the Crown Reserves under this PoM. Council has included in the plan any provisions that have been required by the Department of Planning, Housing and Industry – Crown Lands.

In addition, this PoM has been informed by Council's Crown Land Review and the development and adoption by Council of the Stuart Park Masterplan at its meeting of 20 March 2023.

Crown Lands Review

Council began a Crown lands review of all the Crown reserves under its care and control to ensure compliance with the CLM Act 2016 in 2018. The review identified that out of 71 Crown reserves, 51 were Crown reserves where Council was the Council Crown Land Manger under the CLM Act, and a plan of management was required. The remaining 20 Crown reserves were devolved to Council's care and control.

The review included classifying 51 Crown reserves and identifying an Initial Community Land Category as required as part of the plan of management making process under the CLM Act. The Crown reserves under this Wollongong City Foreshore PoM were classified as Community Land by Council at its meeting of 29 October 2018, with DPHI-Crown Lands concurrence via letter on 14 March 2019.

On 27 May 2019, Council resolved to prepare CLM Act compliant Plans of Management in three stages:

1 Preliminary community consultation on 46 Crown reserves - including the reserves under this PoM (plus others) on proposed community land categories.
2 Preparing draft PoMs using the results of the preliminary community consultation.

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3 Exhibiting each of the draft PoMs for public comment subject to consent via Council resolution and Ministerial (DPHI – Crown lands) approval.

Stage 1 – Preliminary Community Consultation

During 8 October 2019 to 8 November 2019, preliminary community consultation "Planning for 46 Crown Reserves" was undertaken. Information regarding existing uses and development on each reserve and possible community land categories were exhibited for comment. The results of the preliminary consultation for 46 Crown reserves were reported to Council on 2 August 2021 as part of the development of the Crown Reserves Plan of Management for 32 Crown reserves. Council received comments on two reserves under this PoM as follows:

Stuart Park Crown Reserve:

- Increase care and maintenance of the area, as it can get boggy and unusable after heavy rain. Especially after larger events.
- Inadequate lighting along the bike path.
- Illawarra Live Steamers provided more information on their activities related to operating a miniature railway within the reserve.
- That Stuart Park should have its own site-specific PoM developed through a working party process with Neighbourhood Forum 5 involvement.

With respect to the last point, Council is taking a foreshore precinct approach to ensure that the various parks and Crown Land are not considered in isolation, as they collectively form part of our vibrant and connected foreshore.

Lang Park Foreshore Reserve:

1. Sporting uses within Lang Park were questioned.

The Stuart Park/JP Galvin Park Landscape Master Plan

A Master Plan is a strategic, long-term document that helps guide Council's priorities and decisions for a specific place. The Stuart and JP Galvin Park Landscape Master Plan was adopted by Council on 20 March 2023. Council will make ongoing decisions regarding implementing the master plan annually as Council's Delivery Programs and Operational Plans are updated each year through Council's implementation of Our Wollongong Our Future 2032.

The Stuart Park Master Plan was developed through two rounds of community engagement with more than 870 people sharing their ideas in November 2021 leading to a draft Masterplan document exhibited in October 2022. During the exhibition, 1,326 people viewed the masterplan webpage and 329 people provided feedback reported to Council on 20 March 2023. Further information regarding the Stuart Park Master Plan is contained in the Stuart Park Information Schedule at Section 2.1.

1.6 Change and review of plan of management

This PoM will require regular review to align with community values and changing community needs, and to reflect changes in Council priorities. The performance of this PoM relative to management objectives and performance targets for the land will be assessed through Council's annual review of Our Wollongong Our Future 2032, which includes a 4-year Delivery Plan and a 1-year Operational Plan (the budget). Council reports quarterly on meeting Our Wollongong Our Future ~~2032~~ goals. A formal review is proposed five years after its adoption.

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2 POM INFORMATION SCHEDULES

All land under this PoM is classified as community land. The Crown reserves under this PoM are all owned by the Crown and are managed by Wollongong City Council as Crown land manager under the *Crown Land Management Act 2016*.

Council owned Community Land Areas under this PoM are managed under the *Local Government Act 1993.*

There are PoM Information Schedules that provide the information required under sections 36(3) and 36(3A) of the LG Act for a community land plan of management.

There are two types of PoM Information Schedules under this PoM:

- Crown Reserve PoM Information Schedules
- Council Owned Land Area PoM Information Schedules.

Table 3a below describes the order in which the PoM Information Schedules are included in the PoM

Table 3a Order of PoM Information Schedules (North to South)

PoM Section.	Table 3 Order of PoM Information Schedules (North to South) PoM Information Schedule Name
2.1	Crown Reserve Stuart Park 580060 PoM Information Schedule
2.1a	Council Land George Hanley Dr/Virginia St PoM Information Schedule
2.2	Crown Reserve North Wollongong Surf Life Saving Club Number 71482 PoM Information Schedule
2.3	Crown Reserve Battery Park Number 72138 PoM Information Schedule
2.4	Crown Reserve Brighton Lawn 40908 PoM Information Schedule
2.4a	Council Land Osborne Park - PoM Information Schedule
2.4b	Council Land - Old Court House - PoM Information Schedule
2.5	Crown Reserve Flagstaff Point Number 580103 PoM Information Schedule
2.5a	Council Land Flagstaff Hill – PoM Information Schedule
2.6	Crown Reserve “Nun’s Pool” Number 40944 PoM Information Schedule
2.7	Crown Reserve “Ladies Pool” Number 40945 PoM Information Schedule
2.8	Crown Reserve Lang Park Foreshore Reserve Number 580076 PoM Information Schedule – Endeavor Dr to Crown St

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PoM Section.	Table 3 Order of PoM Information Schedules (North to South) PoM Information Schedule Name
2.8a	Crown Reserve Lang Park 580097 (Devolved) PoM Information Schedule **subject to Council becoming the Crown Land Manager**
2.8b	Council Land- Lang Park – Hector St PoM Information Schedule
2.8c	Crown Reserve Lang Park Foreshore Reserve Number 580076 PoM Information Schedule – Harbour St – Bank St – Swan St
2.9	Crown Reserve Andrew Lysaght Park Number 1000384 PoM Information Schedule
2.10	Council Land - Former Quilkey Place – PoM Information Schedule
2.11	Crown Reserve Wollongong Reserve Trust Number 84424 PoM Information Schedule

Table 3b below describes the details contained within each type of PoM Information Schedule included in this PoM. The Crown Reserve Information Schedules include more information to meet CLM Act requirements.

Table 3b PoM Information Schedule Types: Crown Reserve / Council Owned Land Area

Table 3b Crown Reserve PoM Information Schedule Details	Table 3b Council Owned Community Land PoM Information Schedule Details
Name and Number of the Crown Reserve	**Name** of the Council Owned Community Land Area
Crown Reserve Map showing location and land lots contained in the Crown Reserve. This is Schedule Row 1 If only one community land category applies to the entire Crown Reserve, then there is a statement following the Crown Reserve Map that is also in Schedule Row 1.	**Subject Site Map** of the Council Owned Community Land Area – showing location and land lots contained in the Land Area. This is Schedule Row 1 If only one community land category applies to the entire Council Owned Community Land Area, then there is a statement following the Subject Site Map that is also in Schedule Row 1.
Crown Reserve Category Map is shown in Schedule Row 2 when more than one community land category applies to the Crown Reserve. For Crown land, the Minister may direct a Council to apply a community land	**Category Map** is shown in Schedule Row 2 when more than one community land category applies to the Council Owned Community Land Area.

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Table 3b Crown Reserve PoM Information Schedule Details	Table 3b Council Owned Community Land PoM Information Schedule Details
category or categories to certain land as part of the PoM making process under the CLM Act. The Community Land Categories shown in the Crown Reserve Category Map have been subject to Crown Lands / Ministerial review as part of the CLM Act PoM making process.	
Community Land Categories are described in words in Schedule Row 3.	**Community Land Categories** are described in words in Schedule Row 3.
Owner of the Land for a Crown Reserve is Crown Lands. This is shown in in words in Schedule Row 4. For a Crown Reserve the owner is Crown Lands.	**Owner of the Land** is described in words in Schedule Row 4. For Council Owned Community Land Areas, the owner is Wollongong City Council.
Reserve purpose (or the public purpose or public purposes as gazetted by Crown Lands) of the Crown Reserve is described in Schedule Row 5. Reserve purpose is one of the identified restrictions on management of Crown land referenced earlier at PoM Section 1.4.1	**Not Applicable** to Council Owned Community Land Areas.
Gazettal date of the reserve purpose for the Crown Reserve is provided in Schedule Row 6.	**Not Applicable** to Council Owned Community Land Areas.
Land parcel/s lists the land lots that are contained in the Crown Reserve. This is Schedule Row 7.	**Land parcel/s** lists the land lots that are contained in the Council Owned Community Land Area in Schedule Row 5.
Area (m^2) (Ha) of the Crown Reserve is provided in Schedule Row 8.	**Area (m^2) (Ha)** of the Council Owned Community Land Area is provided in Schedule Row 6.
LEP zoning of the Crown Reserve is provided in Schedule Row 9. The LEP is the Wollongong 2009 Local Environmental Plan.	**LEP zoning** of the Council Owned Community Land Area is provided in Schedule Row 7. The LEP is the Wollongong 2009 Local Environmental Plan.
General Description of Improvements and Land contained within the Crown Reserve is provided in Schedule Row 10	**General Description of Improvements and Land** contained within the Council Owned Community Land Area is provided

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Table 3b Crown Reserve PoM Information Schedule Details	Table 3b Council Owned Community Land PoM Information Schedule Details
to meet requirements of Section 36(3A) (b) of the LG Act.	in Schedule Row 8 to meet the requirements of Section 36(3A) (a) of the LG Act
Existing Uses and Developments - Condition and Use (CU) statements regarding the **Crown Reserve** and any buildings or other improvements within the Crown Reserve are provided in Schedule Row11 to meet the requirements of Section 36(3A) (a) of the LG Act. As stated earlier, the use of a Crown Reserve described in each PoM Information Schedule is subject to PoM Section 1.4.1 *Restrictions on management of Crown land*.	**Existing Uses and Developments - Condition and Use (CU)** statements regarding the Council Owned Community Land Area and any buildings or other improvements within the Land Area are provided in Schedule Row 9 to meet the requirements of Section 36(3A) (a) of the LG Act
Permitted Purposes, Development, Use or Activity (P) statements regarding the Crown Reserve are provided in Schedule Row 12 to meet requirements of Section 36(3A) (b) of the LG Act. Some statements apply to all Crown Reserve schedules and are referenced at Row 12. For example, each schedule permits uses and developments and expressly authorise the issue of related tenures to the extent described and/**or limited** in PoM Sections 2A – 2I (b). Provisions at 2I(a) *Native Title Manager Advice* and 2I(b) *Claims under the NSW Aboriginal Land Rights Act 1983* only apply to Crown land permitted purposes, development, use or activity. The Permitted Purposes, Development, Use or Activity statements in a Crown Reserve Schedule have been subject to Crown Lands / Ministerial review as part of the CLM Act PoM making process and complies with the CLM Act. It is important to remember that (as stated earlier in the PoM), the use of the Crown Reserve described in each schedule is	**Permitted Purposes, Development, Use or Activity (P)** statements regarding the Council Owned Land Area are provided in Schedule Row 10 to meet requirements of Section 36(3A) (b) of the LG Act. Some statements apply to all Council Owned Community Land schedules and are referenced at Row 10. For example, each schedule permits uses and developments and expressly authorise the issue of related tenures to the extent described and/**or limited** in PoM Sections 2A – 2H. Some statements referenced at Row 10 apply only to that particular schedule. For example**.** the statement "Implementing *any existing or future Conservation Management Plan that applies to the Wollongong Old Courthouse is permitted*." Only applies to the Council Owned Land Area – Old Court House. It is important to remember that *2H PoM Permissibility – provides opportunity, not a commitment of resourcing* applies to all

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Table 3b Crown Reserve PoM Information Schedule Details	Table 3b Council Owned Community Land PoM Information Schedule Details
subject to PoM Section 1.4.1 *Restrictions on management of Crown land*. *The use of the Crown land described in this plan of management must:* • *be consistent with the purpose for which the land was dedicated or reserved.* • *consider native title rights and interests and be consistent with the provisions of the Commonwealth Native Title Act 1993* • *consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists* • *consider and not be in conflict with any interests and rights granted under the Crown Land Management Act 2016* • *consider any interests held on title.* Lastly, it is also important to remember that *2H PoM Permissibility – provides opportunity, not a commitment of resourcing* applies to all PoM Information Schedules. In short, 2H explains the following: *Being permissible under this PoM, does not commit Council to any development or investment in a particular Crown reserve or Council owned land area, but it enables consideration of the identified possible uses and developments subject to relevant processes.*	PoM Information Schedules. In short, 2H explains the following: *Being permissible under this PoM, does not commit Council to any development or investment in a particular Crown reserve or Council owned land area, but it enables consideration of the identified possible uses and developments subject to relevant processes.*
Scale and Intensity of Permitted Development, Use or Activity (S) statements regarding the Crown Reserve are provided in Schedule Row 13 to meet requirements of Section 36(3A) (b) of the LG Act	**Scale and Intensity of Permitted Development, Use or Activity (S)** statements regarding the Council Owned Land Area are provided in Schedule Row 11 to meet requirements of Section 36(3A) (b) of the LG Act
Express authorisation of leases and licences and other estates statements regarding the Crown Reserve are	**Express authorisation of leases and licences and other estates** statements regarding the Council Owned Land Area

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Table 3b Crown Reserve PoM Information Schedule Details	Table 3b Council Owned Community Land PoM Information Schedule Details
provided in Schedule Row 14 to meet requirements of Section 46 (1)(b) of the LG Act. The Express authorisation statements regarding leases and licences and other estates in each Schedule have been subject to Crown Lands / Ministerial review as part of the CLM Act PoM making process and complies with the CLM Act. As stated earlier, the use of the Crown Reserve described in each schedule is subject to PoM Section 1.4.1 *Restrictions on management of Crown land*.	are provided in Schedule Row 12 to meet requirements of Section 46 (1)(b) of the LG Act.
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee statements regarding the Crown Reserve are provided in Schedule Row 15 to meet requirements of Section 36(3A) (a) (ii) of the LG Act.	**Existing Tenures (T) –** Type, Purpose, (Term), Licensee or Leasee statements regarding the Council Owned Land Area are provided in Schedule Row 13 to meet requirements of Section 36(3A) (a) (ii) of the LG Act
Management Objectives statements regarding the Crown Reserve are provided in Schedule Row 16 to meet requirements of Section 36 (3) (b) of the LG Act.	**Management Objectives** statements regarding the Council Owned Land Area are provided in Schedule Row 14 to meet requirements of Section 36 (3) (b) of the LG Act.
Performance Targets (PT) to meet the Management Objectives are provided for the Crown Reserve to meet the requirements of Section 36(3)(b) of the LG Act in Row 17 of the Schedule.	**Performance Targets (PT)** to meet the Management Objectives are provided for the Council Owned Land Area to meet the requirements of Section 36(3)(b) of the LG Act in Row 15 of the Schedule.
How will we get there? (Means of Achievement for Objectives and Targets) **Statements** are provided for the Crown Reserve to meet the requirements of Section 36(3)(c) of the LG Act in Row 18 of the Schedule.	**How will we get there?** (Means of Achievement for Objectives and Targets) **Statements** are provided for the Council Owned Land Area to meet the requirements of Section 36(3)(c) of the LG Act in Row 16 of the Schedule.
How do we know when we get there? (Manner of Assessment for Objectives and Targets) **Statements** are provided for the Council Owned Land Area to meet the requirements of Section 36(3)(d) of the LG Act in Row 19 of the Schedule.	**How do we know when we get there?** (Manner of Assessment for Objectives and Targets) **Statements** are provided for the Council Owned Land Area to meet the requirements of Section 36(3)(d) of the LG Act in Row 17 of the Schedule.

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Table 3b Crown Reserve PoM Information Schedule Details	Table 3b Council Owned Community Land PoM Information Schedule Details
Each Crown Reserve PoM Information Schedule includes some site photographs of existing improvements and uses after Row 19.	Each Council Owned Community Land Area PoM Information Schedule includes some site photographs of existing improvements and use after Row 17.

2A. Permissibility and Express Authorisations for All PoM Information Schedules.

The statements below will apply to all PoM Information Schedules as stated earlier in PoM Section 2. *PoM Information Schedules*.

2B. Coastal Management Program Implementation

The *Coastal Management Act 2016* aims to "*manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State*" and sets out 13 particular objects to meet the aims of the legislation that are included in Appendix 1 to this PoM.

This plan of management has been developed with regard to:

- the objects of the Coastal Management Act 2016; and
- consideration of coastal hazard and climate change risks that are relevant to the coastal land under this PoM; and
- consideration of Coastal Crown Land Guidelines issued by Crown lands (Appendix 1).

As a consequence of above, this PoM permits:

- any management action, activity, and any development required to implement any Coastal Management Program prepared under section 22 of the Coastal Management Act 2016 (or Council's existing Coastal Zone Management Plan in the interim).
    - Implementation is permitted subject to individual Coastal Management Program Project review, prior to implementation, to ensure compliance with:
        - the restrictions on management of Crown land set out in PoM section 1.4.1; and
        - this section of the PoM (2B Coastal Management Program Implementation - including Appendix 1 *Coastal Management Act 2016* and *Coastal Crown Land Guidelines and Wollongong Open Coastal Management Plan Development* and *Climate Change Supporting Documents and Wollongong Open Coast Coastal Management Plan*).
        - Further, express authorisation is provided for any lease, licence or other estate required in relation to implementation of a coastal management program of Wollongong City Council.

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Currently, Council's **2017 Wollongong Coastal Zone Management Plan (CZMP)** applies to the land under the PoM. The CZMP did result in Council obtaining grant funds for actions and some proposed developments. The 2017 plan was in accordance with legislation that has been repealed and a new plan is being developed as noted earlier to meet requirements under the Coastal Management Act 2016.

It is expected that the current 2017 CZMP strategies listed below (or similar) are likely to be continued under any future Coastal Management Program:

- Undertaking long term, regular on-site monitoring of beach and coastal lagoon/creek profiles - **Beach Profile monitoring** has generally been occurring at the rate of every 6 months and after storm events and the data is reviewed for long term trends and tracking of immediate impacts to land and built assets. Assess if there are indications for the need for better storm protection and consider beach management actions that would increase the sand volumes held in upper beach profile dunes. The more sand held within the dunes, the greater the protection for land and built assets.

- Undertaking **regular condition audits of existing built assets** on coastal lands and as built assets on coastal lands go through their life cycle, assess if Zone of Reduced Foundation Capacity triggers are present and when significant maintence milestones are reached for the asset, consider redesign or retrofit to withstand coastal impacts options as well as relocation or retreat or loss options.

2B (a). State Environmental Planning Policy (Resilience and Hazards) 2021 – Coastal Management, Wetlands and Rainforest Information

Land under this PoM may be affected by the State Environmental Planning Policy (Resilience and Hazards) 2021. Natural Area management activities are permissible across all land under this PoM, including land where the SEPP (Resilience and Hazards) noted above applies.

Natural area management activities under this PoM can be:

- by Council staff, volunteers or contractors to establish, protect, enhance and maintain vegetation communities.
    - Works such as, but not limited to:
        - primary and secondary weeding, including chemical and manual removal of weeds.
        - revegetation activities – planting of seed and tube stock.
        - tree protection measures– stakes, guards, mulching and watering of newly planted vegetation.
        - approved Council Volunteer and Education Projects such as, but not limited to Bushcare, Dunecare and Fiready activities.

2C. Public Utilities Provision

This PoM allows council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

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2D. Continuation of Existing Uses and Developments

This PoM allows the continuation of existing uses and developments – maintenance and alterations for all land under this PoM, subject to Council policies, consistent with Council supporting documents and obtaining relevant legislative consents. If Crown land then also subject to being consistent with the public purpose(s) or ancillary to such public purpose(s).

2E. Events and other short term casual uses of land

Small personal celebrations, gatherings of friends and family to larger Community celebrations, events, festivals, markets (LEP defined), concerts, parades, fairs, exhibitions, fitness or sporting event (UCI 2022 for example) and similar events and gatherings are allowed for all land under this PoM as an event or other short term casual uses of land (as described here in 2E), subject to Council policies, consistent with Council supporting documents and obtaining relevant legislative consents.

Owner's consent to lodge a development application or activity application will not be given if an event or other short term casual use is not suitable for its nominated location at the Sole Discretion of Council as landowner or as Crown Land Manager under s2.23(2) of the CLM Act on behalf of DPHI-Crown Lands.

The PoM area includes Wollongong's premier events on a regular basis. Council has pre-approved event sites within the PoM area, being Stuart Park, Lang Park, Osborne Park and the foreshore in accordance with Development Application 2013/1175/A currently or future development consents that may be issued. Information is available on Council's website (Organise an Event)

Other Short Term, Casual Uses of Land

Under both the LG Act and the CLM Act there are short term casual use provisions that enable some uses or activities that are not aligned with the category of the land or the Crown reserve purpose (in accordance with Section 2.20 of the CLM Act for prescribed purposes in CL31 CLM Reg and section 116 of the LG (General) Regulation.

This PoM permits short term purposes as per CLM Act and LG Act across all land under this PoM, subject to Council policies, supporting documents and obtaining relevant legislative consents.

Local Government (General) Regulation 2021 – Clause 116 – short term casual uses of land

Local Government (General) Regulation 2021 – Clause 116 prescribes the purposes for which a Council may grant a licence for a short-term, casual basis if the use or occupation does not involve the erection of any building or structure of a permanent nature:

(a) the playing of a musical instrument, or singing, for fee or reward,

(b) engaging in a trade or business,

(c) the playing of a lawful game or sport,

(d) the delivery of a public address,

(e) commercial photographic sessions,

(f) picnics and private celebrations such as weddings and family gatherings,

(g) filming sessions,

(h) the agistment of stock **(not permissible under this PoM)**

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Crown Land Management Regulation 2018 Clause 31 – short term casual uses of land

Under section 2.20 (3) of the CLM Act "A short-term licence may be granted even if the purpose for which it is granted is inconsistent with the purposes for which the Crown land is dedicated or reserved." The Crown Land Management Regulation 2018 Clause 31 prescribes purposes for which a short-term licence (up to 1 year) may be granted under section 2.20 of the Act:

(a) access through a reserve,
(b) advertising,
(c) **camping using a tent, caravan or otherwise**, **(not permissible in this PoM)**
(d) catering,
(e) community, training or education,
(f) emergency occupation,
(g) entertainment,
(h) environmental protection, conservation or restoration or environmental studies,
(i) **equestrian events**, **(not permissible in this PoM)**
(j) exhibitions,
(k) filming (as defined in the Local Government Act 1993),
(l) functions,
(m) **grazing**, **(not permissible in this PoM)**
(n) hiring of equipment,
(o) **holiday accommodation**, **(not permissible in this PoM)**
(p) markets, (Please Note: Council's Event DA consent does not cover Markets*)
(q) meetings,
(r) military exercises,
(s) **mooring of boats to wharves or other structures**, **(not permissible in this PoM)**
(t) sales,
(u) shows,
(v) site investigations,
(w) sporting and organised recreational activities,
(x) stabling of horses, **(not permissible in this PoM)**
(y) storage.

***The Wollongong LEP 2009 definition of market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

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2F. Express authorisation of leases and licences and other estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the assigned categorisation and zoning of the land under the Wollongong 2009 LEP, be in the best interests of the whole community, and enable, wherever possible, shared use of community land. If the lease or licence occurs on Crown land under this PoM, the lease or licence must be consistent with or ancillary to the Crown reserve purpose(s).

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity. Wollongong City Council has policies, supporting documents, Our Wollongong Our Future 2032 and legislative roles to give effect to the individual assessment and consideration referenced above (Appendix 1 Table 1 and Table 2 lists Council Supporting Documents and Policies).

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- If Crown land then, the purpose is consistent with the purpose for which it was dedicated or reserved.
- the purpose is consistent with the core objectives for the category of the land.
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the Local Government (General) Regulation 2021.
- If Crown land then, the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Cth).
- If Crown land then, where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted.
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General) Regulation 2021.
- If Crown land then, the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

This section (2, 2A – 2I) and each Information Schedule (2.1 – 2.11) in this PoM further identify PoM permissible purposes, uses, development for which leases and licences may be issued over land.

The duration (term) of leases, licences and other estates for permissible purposes, uses, development under this PoM may be for a short-term casual basis ranging from a Council

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booking for an hour up to a long-term lease or licence up to a period of 30 years as permitted under the LG Act.

Under both the LG Act and the CLM Act there are short term casual use provisions that enable some limited booking or licensing for uses or activities that are not aligned with the category of the land or the Crown reserve purpose (in accordance with Section 2.20 of the CLM Act for prescribed purposes in CL31 CLM Reg and section 116 of the LG (General) Regulation. This PoM permits short term purposes as per CLM Act and LG Act across all land under this PoM.

Before granting the lease, licence or other estate, Council must consider all submissions duly made to it either by delegated authority under section 377 of the LG Act granted to the General Manager, any sub-delegations available under section 378 of the LG Act granted to staff or by resolution of Council where required. If the term of any proposed lease or license is greater than five years and submissions by way of objection are made during the public notice required under section 47 of the LG Act, the consent of the Minister for Local Government is required to grant the lease or license.

Additionally, the consent of the Minister for Local Government is required to grant any lease or licence term over community land that exceeds 21 years. In some circumstances, Ministerial consent may be required for lesser terms (5 years or less) under section 47A(2)(c) of the LG Act. Seeking Ministerial consent requires a resolution of Council.

Also, it is noted that section 46(A)(3) of the LG Act states that a lease or licence for a term exceeding five years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.



Blue Mile Heritage Walking Tour, Wollongong (Image: Destination Wollongong)

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2G. Heritage Values

Many areas of land under this PoM are listed as a local heritage item under the Wollongong Local Environmental Plan 2009 or listed on the State Heritage Register or land that is protected under the National Parks and Wildlife Act 1974.

The PoM information Schedules include reference to any State and/or local heritage listed item on the land and Heritage Item mapping is contained within Appendix 1 after the Heritage Act 1977 description. A heritage listed item will have a "curtilage" around the item. The curtilage is the setting around the heritage item that has been mapped under a Council's LEP in most cases. There are additional assessments and procedural steps that are applied under the Environmental Assessment and Planning Act 1979 (and in some cases the Heritage Act 1977 and the National Parks and Wildlife Act 1974) when any property owner (or property manager in the case of Crown land under this PoM) is seeking development consent to use or develop land within a heritage item curtilage boundary.

New items may be added to the Heritage Schedule from time to time which is recognised in this PoM. Council's supporting document to guide management of land with heritage value is the Wollongong Heritage Strategy 2023 to 2027. The Heritage strategy includes the following strategies or core business or implementation plan actions that could be applied to the PoM area, subject to separate processes of Council:

i. Actively pursue grant funding for heritage projects through available programs when they arise.

ii. Implement heritage education and promotion programs that celebrate our shared history.

iii. Implement best practice heritage asset management procedures as a positive example for the community.

iv. Promote sustainable development as a tool for heritage management.

v. Implement the remaining recommended Heritage Interpretation Works contained within the Blue Mile Heritage Interpretation Strategy.

    - There is currently a Blue Mile Heritage Walking Tour that has been conducted periodically. These efforts could be built upon in the future.

vi. Finalise and implement the Wollongong Heritage Asset Management Strategy for Council's Heritage Assets.

vii. Prepare a conservation management plan for the Fortifications in the Wollongong Harbour State Heritage Precinct and explore options for their future activation.

viii. Develop guidelines and policies related to the provision of solar panels, solar hot water systems, water tanks and other technologies aimed at improving sustainability of heritage buildings.

ix. Explore funding opportunities to develop a Walking on Country pilot program.

    - The Aboriginal community's connection to country is fundamental to their culture. The spiritual connection to land is an essential source of belonging and identity for Aboriginal people. Connection to country must be considered in any relationship we have with the local Aboriginal community. (source: Council's Reconciliation Action Plan Council website RAP)

    - Stuart Park may be a good location to consider for a Walking on Country Pilot program, along with several other locations throughout the LGA. Council would

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be guided by the Aboriginal community in this matter, it is noted here because of the involvement of the Aboriginal community in the development of the 2023 Stuart Park Master plan.

- It is noted that the Stuart Park Masterplan does include proposed elements that will assist connection to Country.

2H. PoM Permissibility – provides opportunity, not a commitment of resourcing.

This PoM permits uses, activities and developments that are consistent with the community land category, Council's policies, supporting documents and if Crown Land then, consistent with the Crown reserve public purpose(s) or ancillary to that purpose(s).

This broad statement of permissibility is refined by the PoM information Schedules, but the intent remains to provide (rather than stifle by the need to constantly review the PoM) flexibility to meet the present and future needs of the public who use Council parks, natural areas and community facilities, subject to applicable considerations and processes.

Being permissible under this PoM, does not commit Council to any development or investment in a particular Crown reserve or Council owned land area, but it enables consideration of the identified possible uses and developments subject to relevant processes.

Council assets are many and varied. All these Council asset types exist across a spectrum of condition from new to not fit for purpose and aging. Council financial commitments are made by a weighing of legislative requirements, public safety, data and professional advice and community feedback and are the realm of elected Councillors. This PoM is not intended to pre-empt future considerations of Council in relation to allocation of resources. Below is a listing of some of the Council Asset Types that are in Council's Capital Budget (it is part of Council's Delivery Program that supports Our Wollongong Our Future 2032, and each year is reviewed, updated, exhibited and adopted by Council):

Listing of Some of the Council Asset Types in Council's Delivery Program

1 Roads And Related Assets
2 West Dapto
3 Footpaths And Cycleways
4 Carparks
5 Stormwater And Floodplain Management
6 Buildings
7 Commercial Operations
8 Parks Gardens and Sportfields
9 Beaches And Pools
10 Natural Areas
11 Waste Facilities
12 Plant And Equipment
13 Information Technology
14 Library Books
15 Public Art
16 Emergency Services

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2I. Statements that apply only to the Crown Reserve Information Schedules

2I(a). Native Title Manager Advice

All Crown reserves within the Wollongong Local Government Area are subject to a blanket native title claim lodged by the South Coast People in the Federal Court of Australia. Accordingly, advice should always be obtained from Council's Native Title Manager in relation to any proposed act (act is defined in the Native Title Act and includes certain uses, development and granting of tenures). Even if a proposed act is valid under the Native Title Act, Council must extend certain procedural rights to the claimant group. When planning to grant a lease or licence on Crown reserves, Council will comply with the requirements of the Commonwealth Native Title Act 1993 (NT Act). Information on the registered claim can be found at the following link Native Title Registers.

2I(b). Claims under the NSW Aboriginal Land Rights Act 1983

All Crown reserves within the Wollongong Local Government Area can be or are subject to an Aboriginal Land Claim pursuant to the *Aboriginal Land Rights Act 1983* (ALR Act). When planning to grant a lease or licence on Crown reserves, Council will have regard for any existing claims made on the land under the NSW Aboriginal Land Rights Act 1983. Where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate under this PoM will not prevent the land from being transferred in the event the claim is granted and tenure agreement clauses will disclose this circumstance. Only the Minister administering the CLM Act can determine a ALR Act claim or on appeal, the court system. Council cannot determine any ALR Act claim. Further information regarding Aboriginal Land Claims can be obtained from the following State Government website - https://www.aboriginalaffairs.nsw.gov.au/land-rights/land-claims

2I(c). Deemed Landowners Consent to lodge a development application.

Development consent under the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a proposed activity or development that is permissible under this PoM is often required. To lodge a development application, if you are not the owner of the land to which the development application applies, you need the consent of the landowner to lodge the application. For Crown land the landowner is the Department of Planning, Housing and Infrastructure - Crown Lands who is acting on behalf of the Minister administering the CLM Act.

In some cases, under the CLM Act, Council as the Crown Land Manager can provide "deemed consent" as landowner on behalf of the DPHI – Crown Lands under s2.23(2) of the CLM Act so that a development application can be lodged by an applicant. Lodgement of a development application allows assessment of the proposal in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The outcome of the Development Application assessment could be a withdrawal of the application, a denial of the application or an approval with consent conditions.

2I(d). Request to lodge an Activity Application under Section 68 of the LG Act

Table 4 lists when an approval under section 68 of the Local Government Act 1993 is required to carry out an activity and applies it to PoM possible permissible uses, developments and uses. Section 68 Applications can only be lodged by the landowner or by a "person authorised" under sections 78(2) and 78 (3) of the LG Act.

Upon adoption of this PoM under the CLM Act, Council is designated by the Minister, as a "person authorised" under sections 78 (2) and 78 (3) of the LG Act to lodge a Section

68 Activity Application or to provide approval for an applicant to lodge a Section 68 Activity Application to the extent described in Table 4 in Column 2. Council will individually assess each request to lodge a section 68 application on Crown land under this PoM to determine if the activity is permissible under this PoM in accordance with PoM sections 2 – 2.16 (*includes PoM section 2I(a) Native Title Manager Advice*). Council would not permit the lodgement of a Section 68 application for any activity that is not permissible under this PoM. The outcome of section 68 Activity application assessment could be a withdrawal of the application, a denial of the application or an approval subject to conditions. Appendix 1 provides more details on the EP&A Act, CLM Act and LG Act.

Table 4 – LG Act section 68 Activities Requiring Approval

LG Act section 68 (1) Activity Approvals are required **Column 1**	**PoM General Permissibility** (to allow for lodgement of a LG Act section 68 application for further assessment of a proposal) **Column 2**
When occurring on Community Land to: (Part D)	
• Engage in a trade or business	Yes, these are generally permissible as described in this PoM under Sections 2 – 2.16, these activities would usually relate to short term casual events.
• Direct or procure a theatrical, musical or other entertainment for the public	
• Construct a temporary enclosure for the purpose of entertainment	
• For fee or reward, play a musical instrument or sing	
• Set up, operate or use a loudspeaker or sound amplifying device	
• Deliver a public address or hold a religious service or public meeting	
When occurring on Any Land to: (Part A) Structures or places of public entertainment	
• Install a manufactured home, moveable dwelling or associated structure on land	Not Permitted as this relates to a residential use.
When occurring on Any Land to: (Part B) Water supply, sewerage and stormwater drainage work	
• Carry out water supply work	Yes, these activities could be required for permissible uses, development and activities described in this PoM under Sections 2 – 2.16.
• Draw water from a council water supply or a standpipe or sell water so drawn	
• Install, alter, disconnect or remove a meter connected to a service pipe	
• Carry out sewerage work	
• Carry out stormwater drainage work	
• Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer	

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LG Act section 68 (1) Activity Approvals are required **Column 1**	**PoM General Permissibility** (to allow for lodgement of a LG Act section 68 application for further assessment of a proposal) **Column 2**
When occurring on Any Land to: (Land Part C) Management of waste	
• For fee or reward, transport waste over or under a public place	Yes, these activities could be required for permissible uses, development and activities described in this PoM under Sections 2 – 2.16.
• Place waste in a public place	
• Place a waste storage container in a public place	
• Dispose of waste into a sewer of the council	
• Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility	
• Operate a system of sewage management (within the meaning of section 68A)	Not permitted. Relates to residential use.
When occurring on Any Land to: (Part F) Other Activities	
• Operate a caravan park or camping ground	Not permitted
• Operate a manufactured home estate	Not permitted
• Install a domestic oil or solid fuel heating appliance, other than a portable appliance	Yes, these activities could be required for permissible uses, development and activities described in this PoM under Sections 2 – 2.16.
• Install or operate amusement devices	
• Use a standing vehicle or any article for the purpose of selling any article in a public place	
• Carry out an activity prescribed by the regulations, or an activity of a class or description prescribed by the regulations	
• Operate a public carpark	

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2.1 Crown Reserve Stuart Park 580060 PoM Information Schedule

Crown Reserve Name, Number	2.1 Stuart Park Crown Reserve 580060 PoM Information Schedule



2.1. Schedule Row 1 – The Crown Reserve Map in this row shows the land area of the Crown Reserve.

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Crown Reserve Name, Number	2.1 Stuart Park Crown Reserve 580060 PoM Information Schedule



2.1. Schedule Row 2 – The Crown Reserve Map in this row shows the Community Land Categories of the Crown Reserve.

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Crown Reserve Name, Number	**2.1 Stuart Park Crown Reserve 580060 PoM Information Schedule**
Community Land Categories (Description of mapped categories) 2.1. Schedule Row 3	• **General Community Use** for the land shaded purple in the Category Map (restaurant, surf club, caretakers cottage) • **Park** for the remainder except • **Natural Area Foreshore** for dunes and sand area with wave action
Owner of the Land 2.1. Schedule Row 4	Crown Lands
Reserve purpose 2.1. Schedule Row 5	Public Recreation (Land that has been dedicated or reserved under the *Public Parks Act 1884* as a 'public park' may be taken as being the same as 'public recreation' under the Crown Land Management Act. This is due to amendments to the *Crown Lands Consolidation Act 1913* brought about by the *Crown Lands and Other Acts (Reserves) Amendment Act 1974* which repealed the *Public Parks Act 1884.)*
Gazettal date 2.1. Schedule Row 6	29 September 1885 (Appendix 2)
Land parcel/s (Location Description) 2.1. Schedule Row 7	Whole: Lots 1, 3 DP 1136814 Parish Wollongong County Camden (George Hanley Drive, North Wollongong)
Area (m^2) (Ha) 2.1. Schedule Row 8	207,215.25 m^2 (20.72 Ha)
LEP zoning 2.1. Schedule Row 9	RE1 – Public Recreation - Wollongong LEP 2009
General Description of Improvements and Land Section 36(3A) (a) LG Act	There are Park lands with Bike Racks, Public Toilets, Skydiving Facilities (caretaker's cottage) and landing area, Storage, Benches, Picnic Shelters, Playground, Public Art, Bollards, Groundwater Tap, Kiosk and Café Seating, Parking and Access road. The Illawarra Steamers miniature train operation area is heavily vegetated. The reserve is not declared to be 'Critical Habitat' or land directly affected by a Recovery Plan. However, Natural Area management activities aimed at supporting native vegetation within the reserve occurs and the SEPP (Resilience and Hazards) 2021 applies to this reserve.

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Crown Reserve Name, Number	**2.1 Stuart Park Crown Reserve 580060 PoM Information Schedule**
2.1. Schedule Row 10	**Heritage Listed Items**: • Group of Norfolk Pines and Canary Island Palms (Local Heritage Item Number 6283). It is noted that some of the Canary Island Palms are located next to the Caretaker's cottage. Any plans or works relating to the existing cottage will need to be carefully managed in relation to the existence of these locally listed trees • The North Beach Surf Life Saving Club (Local Heritage Item Number 61035) • State Heritage Register Item 01737 – North Beach Precinct (includes the North Beach Kiosk and Surf Pavilion buildings) • See Appendix 1 - North Beach Surf Club Stuart Park to Battery Park – Heritage Listed Items Map
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Act	**CU1.** The **caretaker's cottage** is in fair to poor condition. The building is used to operate a recreational commercial activity: skydiving. **CU2.** The **restaurant and kiosk** (operating as the Lagoon as of 2023) is aging and is in fair to good condition. It is operating as a commercial restaurant and kiosk. **CU3. Lawn area south of the caretaker's cottage parking area** – This is a wide area of lawn that is used by the community for passive and active recreational, social, community pursuits including events when not in active use for sky dive landing. ~~– as evidenced by a circle of orange cones within the larger lawn area. These orange cones are removed by the sky diving company operator when there is not active landing occurring.~~ There is a practice of putting out orange cones for safety and awareness during operations. Sky diving cannot occur when there are scheduled community events such as the annual Mother's Day Walk. It reflects shared use between commercial and non-commercial recreational use of Stuart Park. **CU4**. West of Squires Way, **Live Steamers operate model steam trains** on grounds with picnic areas and associated storage and kiosk uses. The condition of the built facilities and grounds are fair to good and there has been active natural area vegetation management within the area licenced by the Live Steamers. **CU5. Park Grounds Generally** - Stuart Park and GP Galvin Park, are improved by picnic shelters,

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Crown Reserve Name, Number	2.1 Stuart Park Crown Reserve 580060 PoM Information Schedule
2.1. Schedule Row 11	barbecues, toilet blocks, a children's playground, an all-abilities playground recently constructed and opened in December 2023, a lagoon, recreational grassed open space, shared paths and an access road with parking areas. The park lands are maintained by Council to a high standard however the grounds can become bogged and/or compacted after rain events and heavy use. During summer months parking is at or near capacity. Council will be trialling timed parking at a number of foreshore locations to increase turnover from Summer 2023/24. Council has supporting documents (Appendix 1) to address resource allocation and strategically plan to support Our Wollongong Our Future 2028. **CU6. The North Beach Surf Life Saving Club** building has been used by the North Beach Surf Club since 1936 when it was first built. The surf club is recently refurbished and related seawall construction continues in stages. Stage 1 was completed in October 2023 and Stage 2 is in progress scheduled to be completed in December 2026. The surf club building now features a large plaza area with step seating, improved surf lifesaving club facilities and a commercial first floor restaurant serving reserve visitors.
Permitted Purposes, Development, Use or Activity (P) Section 36(3A) (b) LG Act • See also **PoM Sections 2A – 2I (b),** for permissible purposes, development, use or activity that apply to the Crown reserve. • Please note PoM section 2H. *Pom Permissibility – provides possible opportunity, not a*	**P1**. Implementing the Stuart Park Master Plan (or any future Council adopted master plan) is permitted even if not listed as a separate entry in this section of the schedule. **P2**. Works associated with **caretaker's cottage** (including alterations and additions) is permitted in a manner consistent with its heritage setting (Palms) and recreational purpose (commercial or community operated consistent with Crown reserve purpose or ancillary to it such as the case for a kiosk use) **P3**. Light training by local sports groups is permitted via Council's booking system **P4**. Temporary, pop-up events or activities will occur in different areas of the park **P5**. Removal of the old cricket amenities building **P6.** Regrading of the area west of the access road may also be required to improve stormwater.

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Crown Reserve Name, Number	2.1 Stuart Park Crown Reserve 580060 PoM Information Schedule
commitment of resourcing. 2.1. Schedule Row 12	**P7** Event spaces supported by providing new power to the spaces, widening/strengthening of footpaths to allow for heavy vehicle movements. **P8** Improvements to flooding/stormwater infrastructure for general public (walk, run, exercise including group fitness) and events. **P9** Improvement to the North Beach Car Park, including a multi-level car park to accommodate better access by people using the reserve. **P10 Existing uses, developments, activities** can be: • r**ecommenced if ceased** – an example of a "recommencing existing activity" is the use a currently vacant personal fitness trainer location permitted under existing DA consent • **Maintained** or • **upgraded** or • **discontinued** **P11 New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) and Crown reserve purpose is permitted.
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act 2.1. Schedule Row 13	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining development consent o obtaining a booking, licence or lease agreement with Council - For example the existing North Beach SLSC Lease does not permit a Commercial Operation to be: ▪ the most substantial or significant use of the premises or ▪ Conflict with the permitted use or the Lessor's Council Lifeguard Operations or ▪ Materially adversely affect the carrying out of the Permitted Use on the remainder of the Premises by the Lessee (see T5 Existing Tenures in this schedule for permitted use)

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Crown Reserve Name, Number	**2.1 Stuart Park Crown Reserve 580060 PoM Information Schedule**
Express authorisation of leases and licences and other estates 2.1. Schedule Row 14	Leases, Licenses and other estates **are expressly authorised under this PoM for permissible uses, developments and activities** listed in this Schedule and/or contained within the provisions that apply to all land under this PoM (sections 2A-2H) and the provisions that apply to Crown reserves under this PoM (section 2I). It is noted that Existing Tenures in this schedule are for PoM permissible uses, developments and activities. There are Existing Tenures that are commercial tenures. Section 46(A)(3) of the LG Act states that a lease or licence for a term exceeding five years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee	**T1.** Licence agreement for occupation of a railway for miniature locomotives for public amusement (28/2/2017 – 27/2/2020 – holding over) with Illawarra Live Steamers Go-operative Ltd over a part of Lot 3 DP 1136814. **T2.** Lease for Stuart Park Cottage for permitted use Office and storage for Skydiving operations conducted by lessee and nonexclusive licence to occupy and use the licensed area (1/10/2009 – 30/9/2014 – holding over). **T3**. Licence agreement for permitted use of Tandem skydiving landing areas in Stuart Park, being part of Lot 2 DP 228880 (*The former Lot/DP created in 1964 to describe Stuart Park when Sydney Water resumed the sewer pumping station site on the western side adjacent to Fairy Creek. The current Stuart Park Lot/DP is Lot 3 DP 1136814 created in 2009 when George Hanley Drive was resumed from Stuart Park reserve.*) (7/12/2005 – 6/12/2011 – holding over). Licensee trading as Skydive the Beach. **T4.** Licence agreement for south landing zone for tandem skydiving as per conditions 7 and 9 of DA 2009/681 to Skydive Holdings Pty Ltd (1/6/2019 - 30/9/2019 holding over). **T5**. Lease agreement with North Wollongong Surf Life Saving Club Incorporated for Surf Life Saving Club and associated activities including Fundraising and any Commercial Operations that are the subject of a written agreement as contemplated by clause 9.5(a) of the lease. The land being the premises known as Building 1, North Wollongong Surf Life Saving Club at 1 Cliff Road, North

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Crown Reserve Name, Number	2.1 Stuart Park Crown Reserve 580060 PoM Information Schedule
2.1. Schedule Row 15	Wollongong, NSW 2500. (1/11/2018 to 31 October 2039). Clause 9.5(a) relates to a commercial operation and all revenue raised from the commercial operation by the surf club must be used to fund its obligations under the Lease. **T6**. Licence agreement for permitted use of operation of **commercial surf school** activities (1/11/2017 – 31/10/2022 – holding over) to Pines Surfing Academy. **T7** Lease to Emibarb Limited for Kiosk, bistro and restaurant (11/7/2006 – 10/7/2026) of Leased Area of 1402.81 Sq/M and a nonexclusive licenced Area of 643.17 Sq/M for use in conjunction with the kiosk, bistro, restaurant. **T8.** Fitness Trainer's Primary Site Licence Agreement to Savvy Fitness (Aust) PTY LTD for Site SPO4 under DA-2009/100/B (1/9/23 – 31/8/2025).
Management Objectives Section 36(3)(b) LG Act 2.1. Schedule Row 16	The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 3 in section 1.4 for Park, General Community Use and Natural Area Foreshore.
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act	**PT 1**. Stuart Park is a place where the Aboriginal and Non-Aboriginal heritage of the area is acknowledged, interpreted, conserved and commemorated appropriately on site through events, uses (such as heritage/culture tours), development (such as art, signage, etc). **PT 2**. The caretaker's cottage is refurbished (alterations, additions) in a manner which is fit for purpose for any future lease, licence or use consistent with this PoM. **PT 3**. Playgrounds, Lawn areas, Park Furniture of all types, footpaths, shared ways, cycleways, internal access roads, parking areas, infrastructure that enables adequate stormwater management, response to climate change, facilitates the public's use – toilets, drinking fountains, electrical upgrades to support events, etc are maintained, upgraded or rationalised in accordance with any adopted Masterplan or adopted Delivery Program and Operational Plan to deliver Our Wollongong Our Future 2032 ~~as~~ as they

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Crown Reserve Name, Number	2.1 Stuart Park Crown Reserve 580060 PoM Information Schedule
2.1. Schedule Row 17	apply to the services, programs or capital improvements within the reserve. **PT 4**. Future and Existing Recreational, Social, Community, and Environmental pursuits are successfully operating in line with Council policies, booking agreements, lease or licence terms, and development consents or review of environmental factors in the case of activities occurring in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.1. Schedule Row 18	**For Performance Targets PT1 – PT4**: Implementation of the 2023 Stuart Park Masterplan (or any future Council endorsed masterplan). **For Performance Target PT 3**: Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with Council's Resourcing Strategy under Our Wollongong Our Future 2032. **For Performance Target PT4:** Ensure that leasing and licensing of permissible uses, developments, and activities is current and in line with Council policies.
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act	**For Performance Targets PT1-PT4**: • Each year Council's Annual Report outlines what Council has done in the past financial year – the rate at which the Stuart Park Masterplan is implemented is an assessment measure. • Council on a regular basis contract with an external research company to conduct and provide a Community Satisfaction Survey that tracks Council's performance in service delivery, identifies priority areas and evaluates Council's customer service, organisational skills and communication. The 2023 report is available on Council's website. Wollongong-City-Council-Community-Satisfaction-Survey-2023-Report.pdf o Satisfaction rates for Council services and facility types that occur within the Crown reserve or Council owned community land (for example, children's playgrounds, shared use paths, compliance and regulation of parking, graffiti prevention and removal, public bin collection,

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Crown Reserve Name, Number	2.1 Stuart Park Crown Reserve 580060 PoM Information Schedule
2.1. Schedule Row 19	etc) should be increasing over time. Tracking of the trends related to customer satisfaction provides an assessment measure.

Stuart Park/JP Galvin Master Plan Description

The 2023 Stuart Park/JP Galvin Master Plan signifies it as Wollongong's premier park and a much-loved community space. The adopted Master plan map is at the end of this description of Masterplan main points.

The adopted 2023 Master Plan seeks to:

1. Enhance the intrinsic qualities of the park by retaining the current park structure.
   - o features enhanced vegetation management on the front dune and estuarine area, whilst maintaining the current level of natural area plantings that bound Squires Way and George Hanley Drive ensuring that the natural feel and biodiversity of the area is maintained.
   - o opportunities for native grass and tree plantings will be pursued where integration with infrastructure and key activity nodes is desirable, for example, playground, sensory trail, picnic areas.
   - o planting of trees in the park should be cognisant of the operation of events and other commercial activities.

The Master Plan does not:

2. Envisage an increase in the footprint of The Lagoon restaurant although landscape interventions to immediately surrounding areas are required to improve condition, amenity, functionality and connection to parking, footpaths, foreshore, and playground.

The Master Plan will leave:

3. The lagoon area incorporating the sanded/grassed area and stand of Norfolk Pines relatively untouched.
   - o Requiring only improved maintenance and sensitive treatment to minimise erosion resulting from high usage and inclement weather events.

The Master Plan will provide:

4. Enhanced pedestrian experiences
   - o Defining key pedestrian circulation routes will enable Stuart Park to accommodate increasing numbers of visitors without compromising the condition of its green spaces and landscaped areas and will also ensure the aging population and less mobile residents can continue to access to the park activity nodes.
   - o The Master Plan provides guidance for new pedestrian entry points to the park from surrounding residential areas.
   - o The Master Plan envisages a new perimeter path that responds to existing desire lines and walking tracks connecting the Blue Mile with Fairy Lagoon through to

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Puckeys Nature Reserve and around the western fringe of the park to the shared path.

5. The new path alignment shall take advantage of key views and logical connections with activity nodes, the form, dimensions, materiality, colours and detailing requiring careful consideration and response to the park's heritage significance and sense of place.
   - Consideration of future pedestrian level lighting (including solar) along the primary paths is required to support general park activity during the hours of 6am-9pm.
6. New Yarning Circle
   - In recognition of the significance of Stuart Park to the Aboriginal community
   - Providing a space where stories and knowledge can be shared.
     - located within proximity and visual connection to the artificial lagoon and take advantage of natural shade from mature trees.
     - Function and scale should support gatherings and design will be connected to by footpaths to the perimeter walking circuit.
     - Additional tree planting will provide natural shade over time.
     - Upgraded Play Experience.
   - An expanded and improved play precinct targeting a broader age range and abilities will be provided.
     - All abilities/all ages playground.
     - New pedestrian access to existing amenities.
     - Nature/Sensory Trail
       - A new secondary path will circumnavigate the artificial lagoon encouraging exploration and provide a series of experiences along a route that is designed to engage the different senses and to collectively immerse people in a multi-sensory journey.
         - The trail will be planned for people with disabilities, especially people with sensory impairments, but will connect and support all users of the new all abilities/all ages playground and the proposed yarning circle encouraging people to move between these spaces.
     - New and upgraded amenities
       - Amenity and usability of the park will be improved through the integration of additional toilet facilities.
         - the main amenities southeast of The Lagoon restaurant will more than double in size to meet current demand.
         - Older southern amenities will be demolished and replaced with contemporaneous and automated style facilities, located closer to the realigned southern path and activities.

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- Enhanced interpretation
  - Showcasing Stuart Park's important role in both the environmental, indigenous, historical, and social history of Wollongong.
    - creation of a new and enhanced interpretation experience to convey the multi-layered history of Stuart Park to every visitor through a new interpretation overlay to be permanently embedded within the park landscape.
      - including new methods of wayfinding and interpretation so that all visitors can engage with its many stories.
      - It is proposed that the perimeter walking circuit becomes the uniting element for this enhanced interpretive experience, whilst the man-made lagoon provides for a new trail with a focus for ecological exploration and fun.
      - Notional locations for integrated public artwork and/or enhanced interpretation opportunities are shown on Plan.
- Defined Events Areas
  - Creating defined event spaces suitable for large and smaller events and temporary activations.
    - These spaces will be supported by providing new power to the spaces.
    - These spaces will be supported by providing new power to the spaces.
    - widening/strengthening of footpaths to allow for heavy vehicle movements.
    - improvements to flooding/stormwater infrastructure.
    - Regrading of the area west of the access road may also be required to improve stormwater.
    - Removal of the old cricket amenities building will create a larger contiguous open area free of obstructions suitable for hosting larger music style events.
    - The realigned southern shared path provides improved delineation that will allow the operation of events whilst providing continued access to activity nodes within the park.
    - Given the scale of Stuart Park, 'primary' and 'secondary' event areas have been developed to assist in prioritising works.
      - The primary events area generally aligns with the footprint of the concerts held in Stuart Park.
        - The 'primary' events area will be prioritised for extensive works to provide a more resilient space for hosting of concerts and other large cultural events.

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- From time to time, temporary, pop-up events or activities will occur in different areas of the park (secondary areas), which may provide for different opportunities yet explored.
    - Except for works identified elsewhere in the Masterplan Plan, apart from new electricity outlets, further infrastructure or additional works are not proposed to support these secondary event areas.

- Unstructured Recreation
    - Supporting healthy lifestyles through the creation of attractive and well-maintained spaces is supported through the masterplan.
        - The proposed upgrading of paths and improvements to stormwater and flooding will meet the needs of the high number of residents who enjoy using the park to walk, run, and exercise in group fitness.
        - The Master Plan does not support formalising any area for organised sport but acknowledges that the large expanse of grassed areas is conducive to light training by local sports groups and can be accommodated with minimal intervention subject to ground condition, historically Stuart Park hosted tennis courts and a senior cricket field.
        - Other emerging recreation activities such as slacklining (walking and/or balancing on a suspended flat line) is to be supported with minimal interventions and harnessing the natural setting.
        - Low-cost interventions such as kilometre markers along key jogging routes could be installed to encourage challenge.
        - Potential locations for new water refill stations are identified.
- Caretakers Cottage
    - Restoration and refurbishment to make accessible for public commercial use.
    - Future works must also consider the adequacy of current storage facilities, amenities and outdoor gathering areas and plan for accordingly.
    - Any new work should reveal and reinforce the role of the Caretakers Cottage whilst meeting the needs of current and future users.
- Traffic and Parking Interventions
    - Renewal of the north-western carpark (immediately west of The Lagoon restaurant) incorporating new accessible carparking bays with extended lengths allowing for disability support vehicles adjacent to the playground area.
    - Reduce vehicular speed limit within the entire park area from 40 kilometres per hour to a maximum of 10 kilometres per hour.
    - Construct a new raised crossing at the intersection of Cliff Road and George Hanley Drive.

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- Provide a new formalised parking area on the western side of Squires Way with appropriate pedestrian treatment to Stuart and Galvin Park.
- Provide space for minibus parking in the central carpark adjacent to the Caretakers Cottage.
- Provide new layover minibus parking adjacent to the main toilet facilities.
- Provide permanent emergency vehicle access to North Beach and Fairy Lagoon.
- Review parking configuration along George Hanley Drive with aim of increasing carparking.
- Consider bus parking bay along George Hanley Drive.
- Review the amount of accessible parking bays within the park to ensure adequate parking exists for future needs of the community.
- Explore opportunities to reduce or manage carparking demand to encourage a modal shift to transit, pedestrian and bicycling trips and opportunities for smart parking (real-time information).
- Provide new electric vehicle charging points.
- Undertake a feasibility investigation to explore construction of a new footbridge and path that would enable improved access from North Wollongong Railway Station to Stuart Park.

▪ New boardwalk and footpaths

Stuart Park Masterplan adopted 20 March 2023 follows on the next page.

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Primary and Secondary Events Areas diagram from 20 March 2023 Council Report



View of the Lagoon – manmade at Stuart Park



JP Galvin Park

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Images from Stuart Park – The existing playground. The Lagoon Kiosk –busy on a Sunday afternoon in October 2023.



All Abilities Playground under construction in 2023

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Looking north east at Lagoon Restaurant and Heritage Listed Norfolk Pines



Skydiving is a commercial recreational use that has development consent (DA-2009/681) that applies to the large lawn area (designated under the Stuart Park Masterplan as the Primary Event Area & Village Green in the Crown Reserve Category Map in this Schedule) and to the "Caretaker's Cottage". Recreational activities (commercial or non-commercial) are consistent with the Crown reserve purpose of Park



The Caretaker's cottage in 2023. Any future changes to the cottage need to consider and protect the heritage listed Canary Island Palms.

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2.1a Council Land George Hanley Dr/Virginia St PoM Information Schedule

Council Land Area Name	2.1a George Hanley Dr and Virginia St - Council Owned Community Land Area – PoM Information Schedule



PLEASE NOTE: THERE IS NO CATEGORY MAP AS ALL LOTS ARE CATEGORISED AS GENERAL COMMUNITY USE.

2.11. Schedule Rows 1 and 2 are the same as all the Council owned land is categorised as General Community Use.

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Council Land Area Name	**2.1a George Hanley Dr and Virginia St - Council Owned Community Land Area – PoM Information Schedule**
Community Land Categories 2.11. Schedule Row 3	General Community Use for all lots.
Owner of the Land 2.11. Schedule Row 4	Wollongong City Council
Land parcel/s 2.11. Schedule Row 5	Lot 3 DP 235364 Lot 4 DP 235364, Lot 7 DP 235364 and Virginia St Lots 1 DP 235364, 1/1164132
Area (m^2) (Ha) 2.11. Schedule Row 6	4,259 m^2 or 0.42 Ha is the combined area for the five land lots.
LEP zoning 2.11. Schedule Row 7	RE1 Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act 2.11. Schedule Row 8	Most of the Council owned land is lawn and runs along the western boundary of George Hanley Drive. The Virginia Street landforms the entry way into the Illawarra Steamers miniature train ride grounds and includes access way, signage, lawn and vegetation.
Condition and Use of the land and any buildings or other improves on the land 2.11. Schedule Row 9	**CU1.** The areas adjoining George Hanley Drive are areas of lawn are adjoined to a road and function as verge. The areas along Virginia Street form the entrance to the Illawarra Steamer Grounds. Signage, Low to the ground posts and chain, low fencing is in fair condition
Permitted Purposes, Development, Use or Activity (P) Section 36(3A) (b) LG Act • Please note PoM section 2H. *Pom Permissibility – provides possible opportunity, not a commitment of resourcing.* 2.11. Schedule Row 10	**P1**. Implementing the Stuart Park Masterplan (or any future Council adopted master plan) is permitted. **P2**. Existing uses, developments, activities can be: • recommenced if ceased. • maintained, • upgraded or • discontinued. **P3**. **New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) and consistent with the Crown reserve purpose(s) is permitted. See also PoM Sections 2A – 2H for permissible purposes, development, use or activity that apply to

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Council Land Area Name	**2.1a George Hanley Dr and Virginia St - Council Owned Community Land Area – PoM Information Schedule**
	the Council owned land. For example, Native Vegetation Activities occur within the Virginia Street land lots and is referenced by PoM section 2B and 2B(a).
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act *See also PoM Sections 2A – 2H, especially 2F Express authorisation of leases and licences and other estates.* 2.11. Schedule Row 11	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining development consent o obtaining a booking, licence or lease agreement with Council
Express authorisation of leases and licences and other estates 2.11. Schedule Row 12	Leases, Licenses and other estates **are expressly authorised under this PoM for permissible uses, developments and activities** listed in this Schedule and/or contained within the provisions that apply to all land under this PoM (sections 2A-2H).
Existing Tenures Type, Purpose, (Term), Licensee or Leasee 2.11. Schedule Row 13	**T1.** Licence agreement for occupation of a railway for miniature locomotives for public amusement (28/2/2017 – 27/2/2020 – holding over) with Illawarra Live Steamers Co-operative Ltd over lots 1/1/1164132 and 1 DP 235364.
Management Objectives Section 36(3)(b) LG Act 2.11. Schedule Row 14	The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 1 in section 1.4 for General Community Use.
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act	**PT 1**. Lawn areas are maintained as befitting road reserve or existing tenure agreements. Vegetation is managed in accordance with any Vegetation Management Plan and/or tenure agreement. **PT 2**. Future and Existing Recreational, Social, Community, and Environmental pursuits are successfully operating in line with Council policies, booking agreements, lease or licence terms, and development consents or review of environmental factors in the case of activities occurring in accordance with the

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Council Land Area Name	**2.1a George Hanley Dr and Virginia St - Council Owned Community Land Area – PoM Information Schedule**
2.11. Schedule Row 15	State Environmental Planning Policy (Transport and Infrastructure) 2021.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.11. Schedule Row 16	**For Performance Target PT 1**: Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with Council's Resourcing Strategy under Our Wollongong Our Future 2032. **For Performance Target PT2:** Ensure that booking, leasing and licensing of permissible uses, developments, and activities is current and in line with Council policies. All legislative consents are obtained and maintained for uses, activities and development
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act 2.11. Schedule Row 17	• Tracking of the trends related to customer satisfaction provides an assessment measure for Council's management of this Council owned land area. Council's Community Satisfaction Survey is done on a regular basis independently and should be increasing over time.

Illawarra Steamers access, signage, low fencing. George Hanley Drive land





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2.2 Crown Reserve North Wollongong Surf Life Saving Club Number 71482 PoM Information Schedule

Crown Reserve Name and Number	2.2 North Wollongong Surf Life Saving Club "North Beach" 71482 PoM Information Schedule



2.2. Schedule Row 1 – The Crown Reserve Map in this row shows the land area of the Crown Reserve.

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Crown Reserve Name and Number	2.2 North Wollongong Surf Life Saving Club "North Beach" 71482 PoM Information Schedule



2.2. Schedule Row 2 – The Crown Reserve Map in this row shows the Community Land Categories of the Crown Reserve.

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Crown Reserve Name and Number	**2.2 North Wollongong Surf Life Saving Club "North Beach" 71482 PoM Information Schedule**
Community Land Categories (description of mapped categories) 2.2. Schedule Row 3	• **General Community Use** for the land occupied by lease and the Continental Pool Facilities. • **Park** for the remainder except. • **Natural Area Foreshore** for dunes and sand area with wave action.
Owner of the Land 2.2. Schedule row 4	Crown Lands
Reserve purpose 2.2. Schedule row 5	Baths and Public Recreation
Gazettal date 2.2. Schedule Row 6	13 April 1945
Land parcel/s (Location Description) 2.2. Schedule row 7	Whole: Lot 70 DP 751299, Lot 7001 DP 1056765 Parish Wollongong County Camden (Does not include the North Beach Surf Life Saving Club Building, but does include North Beach down to the Continental Pool Building)
Area - m² (Ha) 2.2. Schedule row 8	52,664.79 m²
LEP zoning 2.2. Schedule row 9	RE1 – Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act	Going North to South, this Reserve contains the North Beach Kiosk/Digges café, areas of lawn, paving, stairs to the beach, retaining walls, showers, taps, heritage interpretation (signs, art – a statue commemorating 100 years of surf life saving in Wollongong is one example), the Blue Mile (tramway and seawall) shared path with some separation of cyclist and pedestrians at the Pavilion. The Bather's Pavilion contains a kiosk and café, public amenities (including change rooms) and Council Lifeguard services/operational space. There are seating areas and interpretive signage along this extensively upgraded part of the Blue Mile. There is the" Gentlemen's rock pool" and then there is the Continental Swimming Pool. The "Gentlemen's Rock" pool is one of nine rock pools included in Council's strategic supporting document *Future-of-Our-Pools-Strategy-2014-2024*. The Future of Our Pools strategy also applies to the Continental Pool. The Continental Pool facilities include:

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2.2. Schedule row 10	• Two saltwater pools (the main pool includes both laned and open sections and there is a small toddler pool) that are directly managed by Council. • There is an associated building with lifeguard services areas, change rooms/toilets and upstairs meeting rooms that were formerly a caretaker's residence. The reserve is not declared to be 'Critical Habitat' or land directly affected by a Recovery Plan. However, Natural Area management activities aimed at supporting native vegetation within the reserve occurs and the SEPP (Resilience and Hazards) 2021 applies to this reserve. Campbell albatross, Wandering albatross, Black browed albatross, Flame robin and Wedge-tailed shearwater may appear in the reserve. **Heritage Listed Items** (Heritage Maps – Appendix 1): North Beach Kiosk and Residence (Local Heritage Item Number 61036) North Beach Pavilion (Local Heritage Item 61033) Railway Cuttings and Embankment (Local Heritage Item Number 6306) – *Tramway/Blue Mile path* North Beach Precinct - State Heritage Register Item Number 01737 Wollongong Harbour Precinct – State Heritage Register Item Number 01823 Continental Pool and North Beach are a Banned Dog Off Leash Area under Council's under Council's Dogs on Parks and Beaches Policy 2019. **Blue Mile Tramway Seawall and Shared Path Upgrade** As part of the Blue Mile, a new, wider shared path and seawall between Belmore Basin and North Beach Bathers Pavilion was completed in 2019. This 500m path is known as the 'Tramway'. It was used by trains to take coal from local mines to the harbour in the late 1800s and early 1900s. The Blue Mile Tramway Seawall and Shared Path Upgrade was jointly funded by the Australian Government through its National Stronger Regions Fund and Wollongong City Council.
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other	**CU 1. North Beach Kiosk** is used as noted in the General Description section. The building is in good condition. **CU2. The Bather's Pavilion** is used as noted in the General Description section and is in good condition.

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Crown Reserve Name and Number	2.2 North Wollongong Surf Life Saving Club "North Beach" 71482 PoM Information Schedule
improvements on the land. Section 36(3A) (a) LG Act 2.2. Schedule row 11	**CU3. Continental Pool facilities** are used as noted in the General Description section are in fair to good condition as the facilities of the pools, intake and outtake pipes, change rooms, lifeguard areas, stairs, meeting rooms, roofing all vary depending on progress on maintenance schedules related to the asset type. The pool was built in the 1920s while the building was built in 1980s. **CU4. Blue Mile Tramway shared path, seawall and surrounds.** The tramway and surrounds are maintained by Council to a high standard and within the reserve there is CCTV surveillance as per Council policies to assist with the area's management. There is also a variety of signage and ground treatments to encourage awareness of other users of the foreshore such as users coming down the cliff face using the various stairs that connect Cliff Road to the blue mile.
Permitted Purposes, Development, Use or Activity (P) Section 36(3A) (b) LG Act • See also **PoM Sections 2A – 2I (b),** for permissible purposes, development, use or activity that apply to the Crown reserve. • Please note PoM section 2H. *Pom Permissibility – provides possible opportunity, not a commitment of resourcing.* 2.2. Schedule row 12	**P1**. Implementing any remaining Blue Mile Masterplan elements or any future Council adopted master plan is permitted excluding the more intensive use of restaurant. The Blue Mile Masterplan included possible redevelopment of the Continental Baths by improving swimming facilities, change rooms and public toilets, possible café/restaurant, meeting space. **P2 Existing uses, developments, activities** can be: • r**ecommenced if ceased** – an example of a "recommencing existing activity" would be north beach surf lifesaving activities within the surf club building that have been on hold due to the building's redevelopment. • **maintained**, • **upgraded** or • **discontinued**. **P3 New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) and consistent with the Crown reserve purpose(s) is permitted.

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Crown Reserve Name and Number	**2.2 North Wollongong Surf Life Saving Club "North Beach" 71482 PoM Information Schedule**
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act *See also* ***PoM Sections 2A – 2I (b),*** *especially* ***2F Express authorisation of leases and licences and other estates.*** 2.2. Schedule row 13	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining development consent o obtaining a booking, licence or lease agreement with Council
Express authorisation of leases and licences and other estates 2.2. Schedule row 14	Leases, Licenses and other estates **are expressly authorised under this PoM for permissible uses, developments and activities** listed in this Schedule and/or contained within the provisions that apply to all land under this PoM (sections 2A-2H) and the provisions that apply to Crown reserves under this PoM (section 2I). It is noted that Existing Tenures in this schedule are for PoM permissible uses, developments and activities. There are Existing Tenures that are commercial tenures. Section 46(A)(3) of the LG Act states that a lease or licence for a term exceeding five years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.
Existing Tenures (T) Type, Purpose, (Term), Licensee or Leasee 2.2. Schedule Row 15	**T1**. Lease for the Kiosk building at North Beach to three Individuals (now North Kiosk Pty Ltd per T2). (1/5/2003 – 30/4/2013 including options to renew exercised for periods 1/5/2013 – 30/4/2018 and 1/5/2018 -30/4/2023 now holding over). **T2**. Licence for outdoor eat area only to be used in conjunction with the adjoining business operated by the Licensee on and adjacent to the Premises being Kiosk building at North Beach to North Kiosk Pty Ltd. (1/5/2018-30/4/2023 now holding over). **T3.** Lease of building for café and Kiosk until 12/11/2032 (part of bather's pavilion) and Licence of outdoor dining area (27/6/22 – 27/6/23 holding over) assigned to Bloom and Birchall Pty Ltd from Assignor Amalgamo Pty Ltd on 27 July 2022. Subject to no mobile cool rooms on the premises at any time.

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Management Objectives Section 36(3)(b) LG Act 2.2. Schedule Row 16	o The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 1 in section 1.4 for Park, General Community Use and Natural Area Foreshore.
Performance Targets to meet the Management Objectives Section 36(3)(b) LG Act 2.2. Schedule Row 17	**PT 1**. The North Beach Precinct, the Blue Mile Tramway, Continental Pool is a place where the Aboriginal and Non-Aboriginal heritage is continued to be acknowledged, interpreted, conserved and commemorated appropriately on site through events, uses (such as heritage/culture tours), development (such as art, signage, etc). Implementation of the Blue Mile Masterplan has meant that some elements of heritage are currently show cased. **PT 2**. The Continental Pools Building is refurbished (alterations, additions) in a manner consistent with its location in a public recreation, public baths Crown reserve within the next 10 years. **PT 3**. Lawn areas, Park Furniture, signage, seawalls, shared ways, infrastructure that enables adequate stormwater management, response to climate change, facilitates the public's use – toilets, drinking fountains, buildings, beach/natural areas etc are maintained, upgraded or rationalised in accordance with any adopted Masterplan or adopted Delivery Program and Operational Plan to deliver Our Wollongong Our Future 2032 as they apply to the services, programs or capital improvements within the reserve. **PT 4**. Future and Existing Recreational, Social, Community, and Environmental pursuits are successfully operating in line with Council policies, booking agreements, lease or licence terms, and development consents or review of environmental factors in the case of activities occurring in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021.
How will we get there?	**For PT 1:** Review and update the existing Conservation Management Plan. A Conservation Management Plan provides operational level guidance to maintence and upgrade

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Crown Reserve Name and Number	2.2 North Wollongong Surf Life Saving Club "North Beach" 71482 PoM Information Schedule
Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.2. Schedule Row 18	activities within any heritage curtilage or heritage building or other type of structure. **For Performance Targets PT1 – PT3**: Implementation of any existing or future Council endorsed Masterplan. **For Performance Target PT 3**: Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with Council's Resourcing Strategy under Our Wollongong Our Future 2032. **For Performance Target PT4:** Ensure that leasing and licensing of permissible uses, developments, and activities is current and in line with Council policies. Development consents, Activity approvals, etc are obtained as legislatively required for uses, activities, development within the reserve.
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act 2.2. Schedule Row 19	**For Performance Targets PT1-PT3**: • The rate at which any endorsed Masterplan and/or Conservation Management Plan is implemented is an assessment measure. • Tracking of the trends related to customer satisfaction provides an assessment measure for Council's management of this Crown reserve. Council's Community Satisfaction Survey is done on a regular basis independently and should be increasing over time.

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Continental Pool Building



Blue Mile Looking North

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Crown Reserve Name and Number	2.2 North Wollongong Surf Life Saving Club "North Beach" 71482 PoM Information Schedule
Surf Life Saving Movement Artwork at North Beach	

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2.3 Crown Reserve Battery Park Number 72138 PoM Information Schedule

Crown Reserve Name and Number	2.3 Battery Park Crown Reserve Number 72138 PoM Information Schedule



PLEASE NOTE: THERE IS NO CATEGORY MAP AS ENTIRE RESERVE IS CATEGORISED AS PARK.

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Crown Reserve Name and Number	**2.3 Battery Park Crown Reserve Number 72138 PoM Information Schedule**
2.3. Schedule Rows 1 and 2 are the same because the entire Reserve area is categorised as Park.	
Community Land Categories 2.3. Schedule Row 3	Park for entire reserve – therefore there is no additional category map.
Owner of the Land 2.3. Schedule Row 4	Crown Lands
Reserve purpose 2.3. Schedule Row 5	Public Recreation
Gazettal date 2.3. Schedule Row 6	3 January 1947
Land parcel/s (Location Description) 2.3. Schedule Row 7	Whole: Lot 69 DP 751299 Parish Wollongong County Camden (The reserve is on Cliff Road, North Wollongong)
Area (m^2) (Ha) 2.3. Schedule Row 8	2,818.77 m^2
LEP zoning 2.3. Schedule Row 9	RE1 Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act 2.3. Schedule Row 10	Battery Park can be accessed by foot path on Cliff Road and overlooks the Blue Mile Tramway shared way and North Beach Precinct with views to Flagstaff Hill. This park was originally the site of the Smith's Hill Fort which incorporated a concealed gun emplacement. It was constructed in 1888 to upgrade the town's defence against possible Russian attack. In 1946, Council sealed the rooms and filled the gun pits, leaving only the two 80 pounder gun barrels exposed. By 1988 Battery Park was restored and continues to be managed as park with heritage features with interpretive signage. Council works with the community to manage this area on an ongoing basis. **Heritage Listed Items** (Heritage Maps – Appendix 1): • **Battery Park** is the Local Heritage Item Number 5934 under the Wollongong 2009 LEP. The Item is of State level significance. • **Battery Park** is also part of a larger area that is listed on the State Heritage Register in accordance with the Heritage Act 1977 (Appendix 1). This larger area is State Heritage Listing Number 01823 - **Wollongong Harbour Precinct.** (W Harbour Precinct Listing 01823)

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Crown Reserve Name and Number	2.3 Battery Park Crown Reserve Number 72138 PoM Information Schedule
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Act 2.3. Schedule Row 11	**CU1.** The Interpretive Signage within Battery Park is in very good condition. **CU2.** The heritage related -built features on the land require ~~community~~ cooperation with the community to adequately maintain and conserve and educate the public on the area's heritage value. Condition of these features varies from fair to good.
Permitted Purposes, Development, Use or Activity (P) Section 36(3A) (b) LG Act • See also **PoM Sections 2A – 2I (b),** for permissible purposes, development, use or activity that apply to the Crown reserve. • Please note PoM section 2H. *Pom Permissibility – provides possible opportunity, not a commitment of resourcing.* 2.3. Schedule Row 12	**P1**. Implementing the Blue Mile Masterplan (or any future Council adopted master plan) is permitted. **P2**. Implementing any existing or future Conservation Management Plan that applies to Battery Park is permitted. **P3.** Existing uses, developments, activities can be: • recommenced if ceased. • maintained, • upgraded or • discontinued. **P4. New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) and consistent with the Crown reserve purpose and consistent with the reserve's heritage value is permitted.
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act *See also **PoM Sections 2A – 2I (b),***	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining development consent

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Crown Reserve Name and Number	2.3 Battery Park Crown Reserve Number 72138 PoM Information Schedule
*especially **2F Express authorisation of leases and licences and other estates*** 2.3. Schedule Row 13	o obtaining a booking, licence or lease agreement with Council
Express authorisation of leases and licences and other estates 2.3. Schedule Row 14	Leases, Licenses and other estates **are expressly authorised under this PoM for permissible uses, developments and activities** listed in this Schedule and/or contained within the provisions that apply to all land under this PoM (sections 2A-2H) and the provisions that apply to Crown reserves under this PoM (section 2I). It is noted that there are no Existing Tenures within this reserve and that in the future subject to above, Council may consider granting a future tenure for achieving a management objective or performance target, especially to conserve the area's heritage.
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee 2.3. Schedule Row 15	There are no existing tenures with this reserve.
Management Objectives Section 36(3)(b) LG Act 2.3. Schedule Row 16	The management objectives are the core objectives of the community land categories that apply to the land (refer to PoM Table 1 in section 1.4 for Park) These objectives apply to the extent that demonstrates consideration of the heritage values of the Crown reserve as evidenced by the Local Heritage Item 5934 and the State Heritage Listing 01823.
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act	**PT 1**. Battery Park is a place where the area's heritage value is interpreted, conserved and commemorated appropriately on site through events, uses (such as heritage/culture tours), development (such as art, signage, etc) **PT 2**. Lawn areas, Park Furniture of all types, footpaths, shared ways, heritage features, infrastructure, etc are maintained, upgraded or rationalised in accordance with any adopted Masterplan or adopted Delivery Program and Operational Plan to deliver Our Wollongong Our Future 2032 as they apply to the services, programs or capital improvements within the reserve in accordance with the area's relevant heritage listing.

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Crown Reserve Name and Number	2.3 Battery Park Crown Reserve Number 72138 PoM Information Schedule
2.3. Schedule Row 17	**PT 3**. Future and Existing Recreational, Social, Community, and Environmental pursuits are successfully operating in line with Council policies, booking agreements, lease or licence terms, and development consents or review of environmental factors in the case of activities occurring in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.3. Schedule Row 18	**For Performance Targets PT1 – PT3**: Implementation of Council's Heritage Strategy as it relates to Battery Park (or any future Council endorsed Heritage strategy). **For Performance Target PT 2**: Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with Council's Resourcing Strategy under Our Wollongong Our Future 2032 as Battery Park is maintained or upgraded in keeping with its heritage listing. **For Performance Target PT3:** Ensure that booking, leasing and licensing of permissible uses, developments, and activities is current and in line with Council policies and supports Battery Park's Heritage.
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act 2.3. Schedule Row 19	**For Performance Targets PT1-PT3**: • As a Heritage Item, projects related to Battery Park would be reported as part of implementing Council's Heritage Strategy (Appendix 1 Table 2 – Council Policies). ~~The strategy aims to update the existing Conservation Management Plan that includes Battery Park.~~ o Council's Heritage Strategy 2023-2027 includes Strategy 8: *Implement best practice heritage asset management procedures as a positive example for the community.* ▪ Action 8.4 applies to Battery Park: *Prepare a conservation management plan for the Fortifications in the Wollongong Harbour State Heritage Precinct and explore options for their future activation.*

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Crown Reserve Name and Number	**2.3 Battery Park Crown Reserve Number 72138 PoM Information Schedule**
	• Tracking of the trends related to customer satisfaction provides an assessment measure for Council's management of this Crown reserve. Council's Community Satisfaction Survey is done on a regular basis independently and should be increasing over time.



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Crown Reserve Name and Number	2.3 Battery Park Crown Reserve Number 72138 PoM Information Schedule



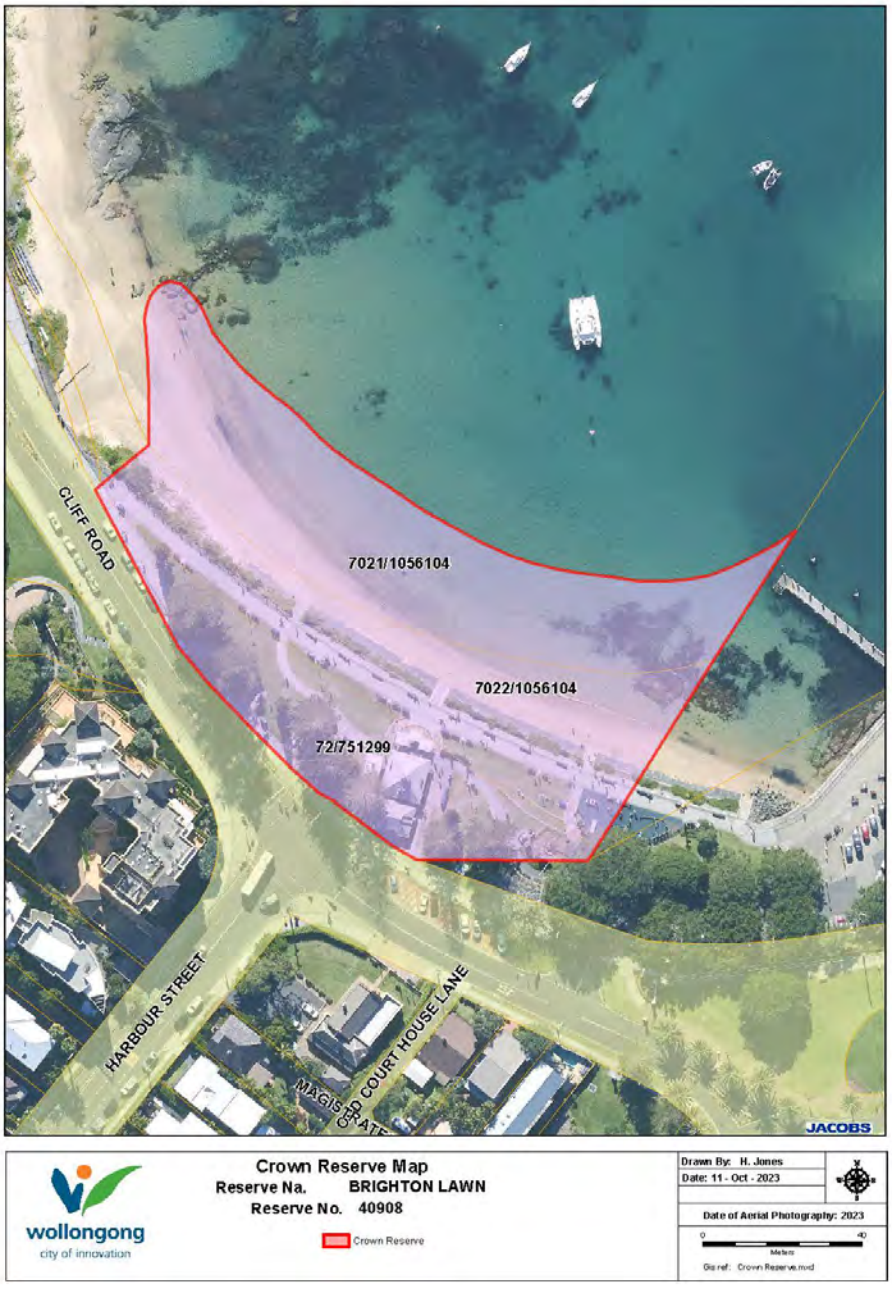




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2.4 Crown Reserve Brighton Lawn 40908 PoM Information Schedule

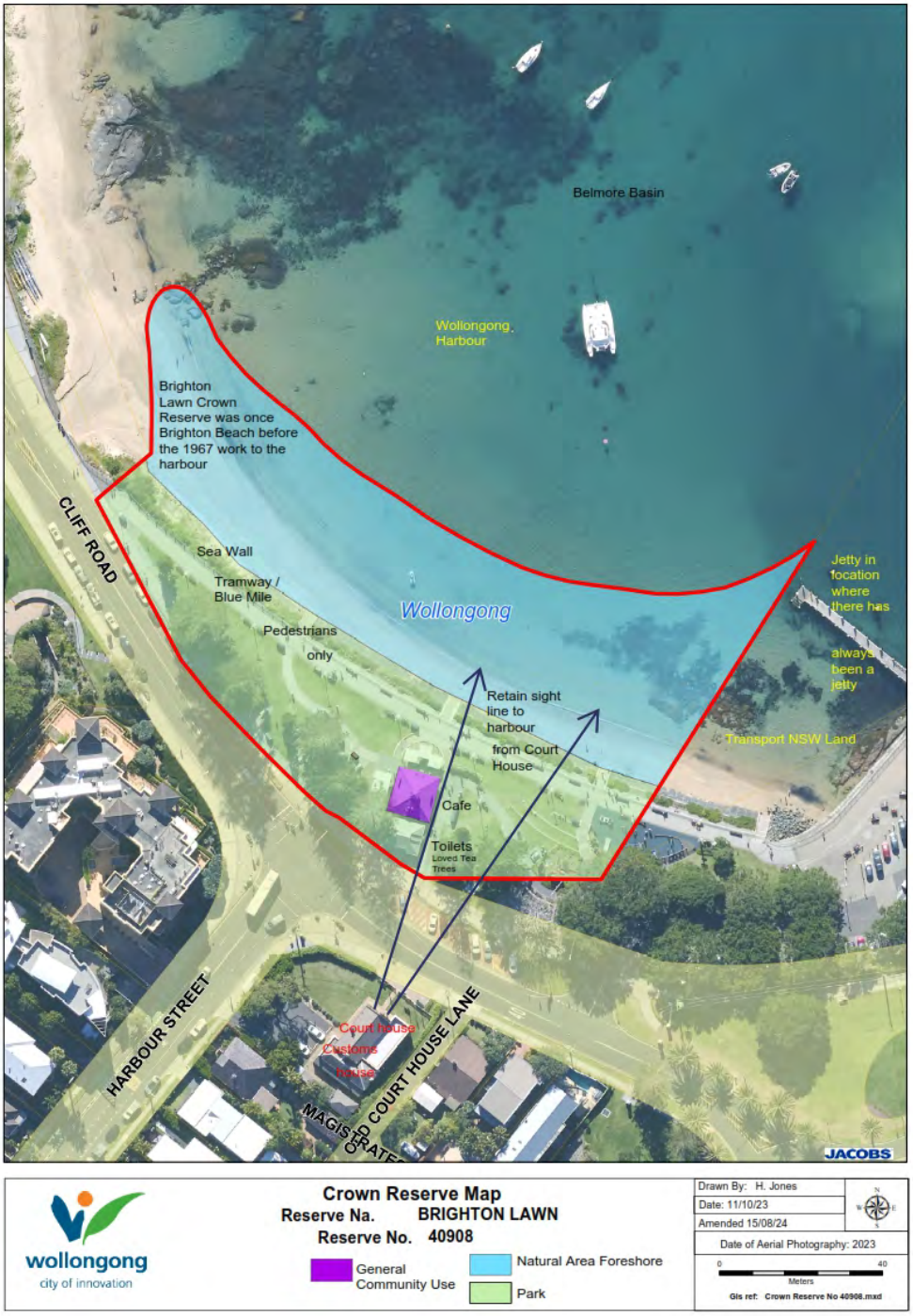
Crown Reserve Name and Number	2.4 Brighton Lawn Crown Reserve 40908 PoM Information Schedule



2.4. Schedule Row 1 – The Crown Reserve Map in this row shows the land area of the Crown Reserve.

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Crown Reserve Name and Number	2.4 Brighton Lawn Crown Reserve 40908 PoM Information Schedule



2.4. Schedule Row 2 – The Crown Reserve Map in this row shows the Community Land Categories of the Crown Reserve.

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Crown Reserve Name and Number	**2.4 Brighton Lawn Crown Reserve 40908 PoM Information Schedule**
Community Land Categories 2.4. Schedule Row 3	General Community Use for the café building and Park for the remaining land areas. Natural Area Foreshore for the sand and water areas.
Owner of the Land 2.4. Schedule Rows 4	Crown Lands
Reserve purpose 2.4. Schedule Row 5	Public Recreation.
Gazettal date 2.4. Schedule Row 6	Gazettal date: 19 June 1906
Land parcel/s (Location Description) 2.4. Schedule Row 7	Whole: Lot 72 DP 751299, Lots 7021-7022 DP 1056104 Parish Wollongong County Camden (Land fronting Wollongong Harbour)
Area (m^2) (Ha) 2.4. Schedule Row 8	1.14 (Ha)
LEP zoning 2.4. Schedule Row 9	RE1 Public Recreation and W2 Recreational Waterways
General Description of Improvements and Land Section 36(3A) (a) LG Act 2.4. Schedule Row 10	This Crown Reserve that has a gazetted name of Brighton Lawn and is the land area fronting Wollongong Harbour. The area includes a Kiosk with outdoor seating, a playground, seawall works, pedestrian paths, lawn areas, general outdoor seating, benches, bins, public toilets. There are also tea trees recovering from past vegetation vandalism. Belmore Basin, Continental Pool and North Beach are also Banned Dog Off Leash Area. **Heritage Listed Items**: **Brighton Lawn** is also part of a larger area that is listed on the State Heritage Register in accordance with the Heritage Act 1977 (Appendix 1). This larger area is State Heritage Listing Number 01823 - **Wollongong Harbour Precinct.** This State Heritage Register Listing can be found on the NSW Government's website (W Harbour Precinct Listing 01823). The first part of the Harbour (Belmore Basin) was built during 1837 to 1844. Overtime, Brighton Beach became Brighton Lawn. By 1844 the basin was 300 feet (91.44 m) long and 150 feet (45.72 m) wide built by 300 convicts. Mooring chains were laid across the bay to Brighton Beach in 1839 to anchor vessels during the construction of Belmore Basin.

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Crown Reserve Name and Number	**2.4 Brighton Lawn Crown Reserve 40908 PoM Information Schedule**
	The first timber jetty was built in 1856 on the southern side of Belmore Basin.
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Act 2.4. Schedule Row 11	**CU1.** The Interpretive Signage/Art within Brighton Lawn is in fair to very good condition. **CU2.** The existing built features on the land, the café, the public toilets, a variety of outdoor seating, bins, terraced paving, part of the playground, the seawall, etc ranges in condition from fair to very good. Council assets are maintained in accordance with their asset category management plan.
Permitted Purposes, Development, Use or Activity (P) Section 36(3A) (b) LG Act • See also **PoM Sections 2A – 2I (b),** for permissible purposes, development, use or activity that apply to the Crown reserve. • Please note PoM section 2H. *Pom Permissibility – provides possible opportunity, not a commitment of resourcing.* 2.4. Schedule Row 12	**P1**. Implementing the Blue Mile Masterplan (or any future Council adopted master plan) is permitted – the site lines from the Old Court house are to remain unfettered therefore no covered seating or additional bins to that side of the existing café. **P2**. Implementing any existing or future Conservation Management Plan that applies to Belmore Basin or Wollongong Harbour is permitted. **P3.** Existing uses, developments, activities can be: • recommenced if ceased. • maintained, • upgraded or • discontinued. At this location bringing families in contact with this historic area by the presence of the playground is seen as an appropriate measure to meet its reserve purpose and allow opportunity for education regarding heritage and the surrounding marine/coastal environment. **P4 New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) and consistent with the Crown reserve purpose(s) and the reserve's heritage value are permitted.

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Crown Reserve Name and Number	**2.4 Brighton Lawn Crown Reserve 40908 PoM Information Schedule**
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act *See also* ***PoM Sections 2A – 2I (b),*** *especially* ***2F Express authorisation of leases and licences and other estates.*** 2.4. Schedule Row 13	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining development consent o obtaining a booking, licence or lease agreement with Council
Express authorisation of leases and licences and other estates 2.4. Schedule Row 14	Leases, Licenses and other estates **are expressly authorised under this PoM for permissible uses, developments and activities** listed in this Schedule and/or contained within the provisions that apply to all land under this PoM (sections 2A-2H) and the provisions that apply to Crown reserves under this PoM (section 2I). Existing Tenures are for permissible uses and developments. It is noted that there is a commercial tenure agreement within this reserve. Section 46(A)(3) of the LG Act states that a lease or licence for a term exceeding five years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee 2.4. Schedule Row 15	**T1.** There is one lease for Kiosk and fast-food takeaway shop with a licence for outdoor seating with the Leasee required to open the public toilets no later than 7 am and close them no earlier than 6 pm each day (1/7/2016 – 30/6/2026) to Delldem Pty Limited.
Management Objectives Section 36(3)(b) LG Act 2.3. Schedule Row 16	The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 1 in section 1.4 for General Community Use, Park and Natural Area Foreshore.
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act	**PT 1**.Brighton Lawn Crown Reserve is a place where the Aboriginal and Non-Aboriginal heritage of the area is acknowledged, interpreted, conserved and commemorated appropriately on site through events, uses (such as heritage/culture tours), development (such as art, signage, etc) **PT 2**. Lawn areas, Park Furniture of all types, footpaths, shared ways, heritage features, infrastructure, etc are

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Crown Reserve Name and Number	2.4 Brighton Lawn Crown Reserve 40908 PoM Information Schedule
2.4. Schedule Row 17	maintained, upgraded or rationalised in accordance with any adopted Masterplan or adopted Delivery Program and Operational Plan to deliver Our Wollongong Our Future 2032 as they apply to the services, programs or capital improvements within the reserve in accordance with the area's relevant heritage listing. **PT 3**.Future and Existing Recreational, Social, Community, and Environmental pursuits are successfully operating in line with Council policies, booking agreements, lease or licence terms, and development consents or review of environmental factors in the case of activities occurring in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.4. Schedule Row 18	**For Performance Targets PT1 – PT3**: Implementation of Council's Heritage Strategy as it relates to Brighton Lawn (or any future Council endorsed Heritage strategy) **For Performance Target PT 2**:Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with Council's Resourcing Strategy under Our Wollongong Our Future 2032 as Brighton Lawn Harbour is maintained or upgraded in keeping with its heritage listing. **For Performance Target PT3:** Ensure that booking, leasing and licensing of permissible uses, developments, and activities is current and in line with Council policies and supports Brighton Lawn's Heritage and Crown Reserve purpose.
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act 2.4. Schedule Row 19	**For Performance Targets PT1-PT3**: The rate at which any endorsed Masterplan and/or Conservation Management Plan is implemented is an assessment measure. • Tracking of the trends related to customer satisfaction provides an assessment measure for Council's management of this Crown reserve. Council's Community Satisfaction Survey is done on a regular basis independently and should be increasing over time.

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Crown Reserve Name and Number	2.4 Brighton Lawn Crown Reserve 40908 PoM Information Schedule







Brighton Lawn Photographs showing:

- Kiosk and Lawn Areas, part of ceramic art works reflecting heritage values.
- The Pedestrian Only Path (Cyclists are to dismount upon entering this most east section of the Blue Mile), seating and treatment of the seawall edge to demonstrate hazard of drop off. There are stairs with handrails just outside of the frame of this picture.

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2.4a Council Land Osborne Park - PoM Information Schedule

Council Land Area Name	2.4a Osborne Park – Council Owned Community Land PoM Information Schedule



PLEASE NOTE: THERE IS NO CATEGORY MAP AS ALL LOTS ARE CATEGORISED AS AREA OF CULTURAL SIGNIFICANCE.

2.12. Schedule Rows 1 and 2 are the same because the entire area is categorised as Area of Cultural Significance.

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Council Land Area Name	**2.4a Osborne Park – Council Owned Community Land PoM Information Schedule**
Community Land Categories 2.12. Schedule Row 3	Area of Cultural Significance Category applies to all land parcels in this schedule as the entire area is subject to one or more of the following heritage considerations: • The locally listed North Beach Precinct and Belmore Basin Heritage Conservation Area • The locally listed Mt Keira Osborne Wallsend Tramway Bridge Remains – Heritage Item 6367 • The State Heritage Listing 01823 Wollongong Harbour Precinct *(Heritage Mapping is provided in Appendix 1)*
Owner of the Land 2.12. Schedule Row 4	Wollongong City Council
Land parcel/s 2.12. Schedule Row 5	Lot 12 DP 212648, Lot 1 DP 62257, Lot 11 DP 212648
Area (m^2) (Ha) 2.12. Schedule Row 6	6,770 m^2 or 0.677 Ha is the area of all the Council owned lots.
LEP zoning 2.12. Schedule Row 7	RE1 Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act 2.12. Schedule Row 8	Osborne Park fronts Cliff Road opposite the Brighton Lawn and Wollongong Harbour. The park lands are lawn, commemorative artwork that joins Aboriginal cultural heritage with history of collieries and the harbour, picnic tables, regulatory and interpretive signage are in the reserve.
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Act 2.12. Schedule Row 9	**CU1.** The Interpretive Signage and Artwork within Osborne Park is in very good condition. **CU2.** Regulatory signage is in fair to good condition in this high visitation area wear, tear, graffiti does impact but is routinely inspected and action taken if required.
Permitted Purposes, Development, Use or Activity (P) Section 36(3A) (b) LG Act	**P1**. Implementing the Blue Mile Masterplan (or any future Council adopted master plan) is permitted.

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Council Land Area Name	2.4a Osborne Park – Council Owned Community Land PoM Information Schedule
See also **PoM Sections 2A – 2H,** for permissible purposes, development, use or activity that apply to the land. Please Note PoM section 2H. *Pom Permissibility – provides possible opportunity, not a commitment of resourcing.* 2.12 Schedule Row 10	**P2**. Implementing any existing or future Conservation Management Plan that applies to Osborne Park is permitted. **P3**. Existing uses, developments, activities can be: • recommenced if ceased. • maintained, • upgraded or • discontinued. **P4**. **New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) and consistent with the park's heritage value is permitted.
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act *See also **PoM Sections 2A – 2H,** especially **2F Express authorisation of leases and licences and other estates.*** 2.12. Schedule Row 11	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining development consent o obtaining a booking, licence or lease agreement with Council
Express authorisation of leases and licences and other estates 2.12. Schedule Row 12	Leases, Licenses and other estates **are expressly authorised under this PoM for permissible uses, developments and activities** listed in this Schedule and/or contained within the provisions that apply to all land under this PoM (sections 2A-2H). It is noted that there are no Existing Tenures within this reserve and that in the future subject to above, Council may consider granting a future tenure for achieving a management objective or performance target, especially to conserve the area's heritage.
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee 2.12. Schedule Row 13	There are no existing tenures with this reserve.

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Council Land Area Name	**2.4a Osborne Park – Council Owned Community Land PoM Information Schedule**
Management Objectives 2.12. Schedule Row 14 2.12. Schedule Row 14 continued	• Management Objective for Mt Keira Osborne Wallsend Tramway Bridge Remains – **Heritage Item 6367** (see Appendix 1 *Tramway, Osborne Park to Belmore Basin – Heritage Listed Items Map.* Remnant elements should be conserved and former use interpreted with reuse of these elements. HMS - ViewItem • Heritage Item 6367 also forms part of the State Heritage Listed Item Number 01823 Wollongong Harbour Precinct. Management Objective - Carry out interpretation, promotion and education, prepare maintenance schedule, produce a conservation management plan and archaeological management plan. HMS ViewItem • See **Table ~~1~~ 3 Category Types Applied and Core Management Objectives** for the community land category core management objectives for "area of cultural significance' community land category. Broadly, these core management objectives seek to retain (through a variety of possible conservation methods) the significance of the area with the area of cultural significance category. o This is not a new community land category for Osborne Park. ▪ Council has been actively managing this area's cultural significance in an ongoing long-term manner, with most of the interpretive works within Osborne Park resulting from a community project from the early 2000s which are well maintained in 2025.
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act	**PT 1**. Osborne Park is a place where the Aboriginal and Non-Aboriginal heritage of the area is acknowledged, interpreted, conserved and commemorated appropriately on site through events, uses (such as heritage/culture tours), development (such as art, signage, etc). **PT 2**. Lawn areas, Park Furniture of all types, footpaths, shared ways, heritage features, infrastructure, etc

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Council Land Area Name	**2.4a Osborne Park – Council Owned Community Land PoM Information Schedule**
2.12. Schedule Row 15	are maintained, upgraded or rationalised in accordance with any adopted Masterplan or adopted Delivery Program and Operational Plan to deliver Our Wollongong Our Future ~~2032~~ as they apply to the services, programs or capital improvements within the reserve in accordance with the area's relevant heritage listing. **PT 3**. Future and Existing Recreational, Social, Community, and Environmental pursuits are successfully operating in line with Council policies, booking agreements, lease or licence terms, and development consents or review of environmental factors in the case of activities occurring in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.12. Schedule Row 16	**For Performance Targets PT1 – PT3**: Implementation of Council's Heritage Strategy as it relates to Osborne Park (or any future Council endorsed Heritage strategy). **For Performance Target PT 2**: Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with Council's Resourcing Strategy under Our Wollongong Our Future 2032 as Osborne Park is maintained or upgraded in keeping with its heritage listings **For Performance Target PT3:** Ensure that booking, leasing and licensing of permissible uses, developments, and activities is current and in line with Council policies and supports Osborne Park's Heritage. All legislative consents are obtained and maintained for uses, activities and development.
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act	**For Performance Targets PT1-PT3**: • As a Heritage Item / Conservation Area, projects related to Osborne Park would be reported as part of implementing Council's Heritage Strategy (Appendix 1 Table 2 – Council Policies).

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Council Land Area Name	**2.4a Osborne Park – Council Owned Community Land PoM Information Schedule**
2.12. Schedule Row 17	• The rate at which any endorsed Masterplan and/or Conservation Management Plan is implemented is an assessment measure. • Tracking of the trends related to customer satisfaction provides an assessment measure for Council's management of this Crown reserve. Council's Community Satisfaction Survey is done on a regular basis independently and should be increasing over time.
	

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2.4b Council Land - Old Court House - PoM Information Schedule

Council Land Area Name	Old Court House – Harbour St and Cliff Rd – Council owned Community Land PoM Information Schedule



PLEASE NOTE: THERE IS NO CATEGORY MAP AS ALL OF THE LOT IS CATEGORISED AS AREA OF CULTURAL SIGNIFICANCE.

2.13 Schedule Rows 1 and 2 are the same because the entire area is categorised as Area of Cultural Significance.

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Council Land Area Name	**Old Court House – Harbour St and Cliff Rd – Council owned Community Land PoM Information Schedule**
Community Land Categories 2.13. Schedule Row 3	The entire Council owned land area is categorised as an Area of Cultural Significance so there is no category map.
Owner of the Land 2.13. Schedule Row 4	Wollongong City Council
Land parcel/s (Location Description) 2.13. Schedule Row 5	Lot 1 DP 47921, 1 Harbour Street Wollongong
Area (m^2) (Ha) 2.13. Schedule Row 6	1323 m^2
LEP zoning 2.13. Schedule Row 7	R1 General Residential
General Description of Improvements and Land Section 36(3A) (a) LG Act 2.13. Schedule Row 8	Improvements on the land include the Old Court House and Customs Office that was also a Drill Hall before it became the existing community managed public facility. There is also a small amount of parking and interpretive signage on the land.
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Ac 2.13. Schedule Row 9	**The Old Court House and Customs Office** Situated south of the Harbour Street and Cliff Road intersection within the former Government Reserve established in 1833, is the 1858 brick and stone Court House building. The Old Court House replaced an earlier timber structure and served the district until 1885, when the current Market Street Courts were opened. The building was then used as a Customs House under State control until Federation, when the customs post was transferred to Port Kembla. In 1901, the building was transferred to the Australian Army for use as a drill hall. In 1974 TS Albatross Naval Cadets moved from their facilities at the Harbour and occupied the site until Wollongong City Council acquired the site and the buildings were restored in 2000. The weatherboard Customs Office, dating from c 1880, was relocated from Brighton Lawn to the former Government Reserve in 1887 and moved again to its present location at the southern edge of the site in 1938 to allow for extensions to the Old Court House. The building was used as the Officers' Mess during the TS Albatross era. The buildings have been well

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Council Land Area Name	**Old Court House – Harbour St and Cliff Rd – Council owned Community Land PoM Information Schedule**
	maintained and are available for community use. Council ~~has a current project to~~ replaced the roof of the courthouse in 2024 in accordance with the Heritage Act 1977 and other requirements under the Review of Environmental Factors under the Transport and Infrastructure SEPP 2021~~. that went to tender in late 2023.~~
Permitted Purposes, Development, Use or Activity (P) Section 36(3A) (b) LG Act 2.13. Schedule Row 10	**P1**. Implementing the Blue Mile Masterplan (or any future Council adopted master plan) is permitted. **P2**. Implementing any existing or future Conservation Management Plan that applies to the Wollongong Old Courthouse is permitted. **P3**. Existing uses, developments, activities can be: • recommenced if ceased. • maintained, • upgraded or • discontinued. **P4**. **New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) and consistent with the Old Courthouse's heritage value is permitted.
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act 2.13. Schedule Row 11	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining development consent o obtaining a booking, licence or lease agreement with Council
Express authorisation of leases and licences and other estates 2.13. Schedule Row 12	Leases, Licenses and other estates **are expressly authorised under this PoM for permissible uses, developments and activities** listed in this Schedule and/or contained within the provisions that apply to all land under this PoM (sections 2A-2H).

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Council Land Area Name	**Old Court House – Harbour St and Cliff Rd – Council owned Community Land PoM Information Schedule**
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee 2.13. Schedule Row 13	**T1**. Lease to Old Court House Management Committee Incorporated (1/10/2000 – 30/9/2021 now holding over) for Heritage and environment centre at 1 Harbour St, Wollongong in accordance with development consent D00/688.
Management Objectives Section 36(3)(b) LG Act 2.13. Schedule Row 14	The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 1 in section 1.4 for Area of Cultural Significance.
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act 2.13. Schedule Row 15	**PT 1**. **Heritage Item 5908** – Old Wollongong Court House is of State level significance under the Wollongong 2009 LEP and will remain well used by the community as it is currently by a variety of community organisations into the future. **PT 2**. The heritage of the area will continue to be acknowledged, interpreted, conserved and commemorated appropriately on site through events, uses (such as heritage/culture tours), development (such as art, signage, etc) and asset inspection and maintence actions as required.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.13. Schedule Row 16	**For Performance Targets PT1 and PT2** Implementation of any existing or future Council endorsed Masterplan. Plan for and carry out a regular heritage asset inspection and required maintenance work to maintain the buildings heritage values. Ensure that bookings, licensing and leasing of permissible uses, developments, and activities is current and in line with Council policies. All legislative consents are obtained and maintained for uses, activities and development.
Manner of Assessment for Objectives and Targets	• The rate at which any endorsed Masterplan and/or Conservation Management Plan is implemented is an assessment measure. • Tracking of the trends related to customer satisfaction provides an assessment measure for Council's management of this Crown reserve. Council's Community

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Council Land Area Name	**Old Court House – Harbour St and Cliff Rd – Council owned Community Land PoM Information Schedule**
How do we know when we get there? Section 36(3)(d) LG Act 2.13. Schedule Row 17	Satisfaction Survey is done on a regular basis independently and should be increasing over time.



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Council Land Area Name	**Old Court House – Harbour St and Cliff Rd – Council owned Community Land PoM Information Schedule**
Courthouse with Interpretive Signage in view	

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2.5 Crown Reserve Flagstaff Point Number 580103 PoM Information Schedule

Crown Reserve Name and Number	2.5 Flagstaff Point Crown Reserve Number 580103 PoM Information Schedule



2.5. Schedule Row 1 – The Crown Reserve Map in this row shows the land area of the Crown Reserve.

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Crown Reserve Name and Number	2.5 Flagstaff Point Crown Reserve Number 580103 PoM Information Schedule



2.5. Schedule Row 2 – The Crown Reserve Map in this row shows the Community Land Categories of the Crown Reserve.
Cannons Label added in correct location on map.

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Crown Reserve Name and Number	**2.5 Flagstaff Point Crown Reserve Number 580103 PoM Information Schedule**
Community Land Categories 2.5. Schedule Row 3	Park, Natural Area Foreshore.
Owner of the Land 2.5. Schedule Row 4	Crown Lands
Reserve purpose 2.5. Schedule Row 5	Public Recreation
Gazettal date 2.5. Schedule Row 6	Gazettal date: 31 October1941
Land parcel/s (Location Description) 2.5. Schedule Row 7	Whole: Lots 7040-7042 DP 1066112, Lot 7039 DP 1066121 Part: Lot 7046 DP 1066113 Parish Wollongong County Camden (Headland – Endeavor Drive, Wollongong)
Area (m^2) (Ha) 2.5. Schedule Row 8	31,686.70 m^2
LEP zoning 2.5. Schedule Row 9	RE1 Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act	The Crown reserve Flagstaff Point includes: • Parts of car parking areas with a popular ice cream van in operation on weekends and holidays • Picnic shelters, lawn areas • A Vietnam War memorial • Cannon Battery • Gun Emplacements, lawn areas. • Condition of these improvements range from excellent to fair condition. **Heritage Listed Items**: **Flagstaff Hill** is part of a larger area listed on the State Heritage Register as Listing Number 01823 - **Wollongong Harbour Precinct.** (W Harbour Precinct Listing 01823). Flagstaff Hill gains

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Crown Reserve Name and Number	**2.5 Flagstaff Point Crown Reserve Number 580103 PoM Information Schedule**
2.5. Schedule Row 10	its name from its history. A Flagstaff is an 1800s tool used to communicate with coastal shipping. The flagstaff was the responsibility of the Harbour Pilot. The first Harbour Pilot was appointed to Wollongong Harbour by 1840. The pilot would use two red painted flags and two black balls run up the flagstaff in particular sequences to convey messages to ships such as "Approach with Safety" or "Blows too hard to send Boat". Within the Crown reserve is the LEP Heritage Listed Item Number 6376 – Three Guns – Flagstaff Hill. Appendix 1 has information on the Heritage Act and Heritage Map for the Wollongong Harbour Precinct.
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A)(a) LG Act 2.5. Schedule Row 11	**CU1.** The Interpretive Signage within Flagstaff is in very good condition. **CU2.** The heritage related -built features on Flagstaff Hill require community cooperation to adequately maintain and conserve and educate the public on the area's heritage value. Condition of these features varies from fair to very good.
Permitted Purposes, Development, Use or Activity See also **PoM Sections 2A – 2I (b),** especially note PoM section 2H. *Pom Permissibility – provides opportunity, not a commitment of resourcing.* 2.5. Schedule Row 12	**P1**. Implementing the Blue Mile Masterplan (or any future Council adopted master plan) is permitted, subject to P4. **P2 Existing uses, developments, activities** can be: • r**ecommenced if ceased** • **maintained**, • **upgraded** or • **discontinued**. **P3 New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) and consistent with the Crown reserve purpose(s) is permitted. **P4.** The Blue Mile Master Plan included a visitors' centre and café. It would be permissible to consider a visitors' centre with a kiosk or café within the reserve within the next 10 years if a proposal is of suitable design, form and function for this heritage area and its

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Crown Reserve Name and Number	**2.5 Flagstaff Point Crown Reserve Number 580103 PoM Information Schedule**
	Crown reserve purpose. Alternatively, a kiosk or café alone would be permissible with the same constraints.
Scale and Intensity of Permitted Development, Use or Activity 2.5. Schedule Row 13	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining development consent o in relation to the nature of the land (at **S2**) - it is noted that Council's Development Control Plan (DCP) Chapter D13: 3:10 *Views and View Corridors* identifies Flagstaff Point / Flagstaff Hill as a vantage point for views to the escarpment and views to the coast. o obtaining a booking, licence or lease agreement with Council
Express authorisation of leases and licences and other estates 2.5. Schedule Row 14	Leases, Licenses and other estates are expressly authorised under this PoM for permissible uses, developments and activities listed in this Schedule and fitting within the provisions that apply to all land under this PoM (sections 2A-2H) and the provisions that apply to Crown reserves under this PoM (section 2I).
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee 2.5. Schedule Row 15	**T1**. Licence to operate a Mobile Food Van (1/8/20 – 31/7/2021 holding over) Individual commercial operator (in the past and currently – it is an ice cream van) - **T2.** Licence for Fitness Trainer's Primary Site FH01 (1/1/2016 – 31/12/2020 – holding over) to Chodat Fitness. **T3**. Sir Yes (Fitness)
Management Objectives Section 36(3)(b) LG Act 2.5. Schedule Row 16	The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 1 in section 1.4 for Park, Natural Area Foreshore.

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Crown Reserve Name and Number	**2.5 Flagstaff Point Crown Reserve Number 580103 PoM Information Schedule**
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act 2.5. Schedule Row 17	**PT1.** Flagstaff Hill is a place where heritage is explored and acknowledged, interpreted, conserved and commemorated appropriately on site through events, uses (such as heritage/culture tours), development (such as art, signage, kiosk/café design, etc) **PT2**. Flagstaff Hill lawns, monuments, picnic shelters and heritage listed items are well maintained, conserved and promoted during events and otherwise. Monuments or memorials located within the reserve are directly linked to the area's heritage. **PT 3**. Future and Existing Recreational, Social, Community, and Environmental pursuits are successfully operating in line with Council policies, booking agreements, lease or licence terms, and development consents or review of environmental factors in the case of activities occurring in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.5. Schedule Row 18	**PT1 – PT3**: Implementation of the Blue Mile Masterplan (or any future Council endorsed masterplan) **PT 3**: Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with Council's Resourcing Strategy under Our Wollongong Our Future 2032. **PT3:** Ensure that leasing and licensing of permissible uses, developments, and activities is current and in line with Council policies. Ensure that bookings, licensing and leasing of permissible uses, developments, and activities is current and in line with Council policies. All legislative consents are obtained and maintained for uses, activities and development
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act 2.5. Schedule Row 19	**PT1-PT3:** Each year Council's Annual Report outlines what Council has done in the past financial year – the rate at which the Blue Mile Masterplan is implemented is an assessment measure. **PT1-PT3**: Council contracts with an external research company to conduct a Community Satisfaction Survey that tracks Council's performance. Satisfaction rates for Council services and facility types that occur within the Crown reserve or Council owned community land should be increasing over time. Tracking of the trends related to customer satisfaction provides an assessment measure.

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Crown Reserve Name and Number	2.5 Flagstaff Point Crown Reserve Number 580103 PoM Information Schedule







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Crown Reserve Name and Number	2.5 Flagstaff Point Crown Reserve Number 580103 PoM Information Schedule



Set of Stairs to City Beach at the very most southern edge of Flagstaff Hill Crown Reserve 580103 and the steps end at the Lang Park Foreshore Crown Reserve Number 580076

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2.5a Council Land Flagstaff Hill – PoM Information Schedule

Council Land Area Name	2.5a Flagstaff Hill - Council Owned Community Land Area PoM Information Schedule



2.14 Schedule Row 1 – The Council Owned Community Land Map in this row shows the land area of each lot owned by Council.

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Council Land Area Name	2.5a Flagstaff Hill - Council Owned Community Land Area PoM Information Schedule



2.14. Schedule Row 2 – The Council Owned Community Land Map in this row shows the community land categories of each lot owned by Council.

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Council Land Area Name	**2.5a Flagstaff Hill - Council Owned Community Land Area PoM Information Schedule**
Community Land Categories (Description of mapped categories) 2.14. Schedule Row 3	Park, General Community Use for the carparks, Area of Cultural Significance for the Entry and the tunnels to the circular gun pit that appears in our mapping to not be on Council owned land, but it is. The land surrounding the Lighthouse is the land that is not owned by Council. Natural Area Foreshore Applies to the rocky cliffs to the south of the carparks. The fortification that can be seen today is the deep 1890 circular concrete pit. The entrance to the underground stores is through a brick wall, that has one doorway and two window openings, set into the hillside on the southern side of the emplacement. It can be seen from the car park that originally was the battery yard. The filled in gun pit was dug out in 1999-2000. No remains of the guns survive other than the embedded metal circular track on the floor of the gun pit on which the gun carriage rotated.
Owner of the Land 2.14. Schedule Row 4	Wollongong City Council
Land parcel/s (Location Description) 2.14. Schedule Row 5	Lot 85 DP751299 and Lot 2 DP 222318
Area (m^2) (Ha) 2.14. Schedule Row 6	1.234 Ha total area for both land lots.
LEP zoning 2.14. Schedule Row 7	RE1 Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act 2.14. Schedule Row 8	Land Lot 85 DP 751299 is on the Hill encircled by Endeavor Drive and contains a concreted area surrounded by vegetation and once had a Flagpole – not the original location of a Flagpole that gives the Hill its name. Currently the area is not well used. The larger area of Council Land (Lot 2 DP 222318) contains most of the three existing carparks, areas of lawn and the brick entrance to the circular gun pit that is in need of restoration and/or closure. There is also rocky cliff face and a set of stairs to City Beach (Lang Park Foreshore Reserve).
Existing Uses and Developments – **Condition and Use (CU)** of the land and any	Lot 85 on the Flagstaff Hill is open space improved as noted in the general description. Lot 2 is a well-used parking area for foreshore visitors and areas of lawn are frequently filled with users of the beach and harbour area.

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Council Land Area Name	2.5a Flagstaff Hill - Council Owned Community Land Area PoM Information Schedule
buildings or other improvements on the land. Section 36(3A) (a) LG Act 2.14. Schedule Row 9	There are footpaths to City Beach to the south and footpaths to the east to an outlook over the ocean improved with artwork from 2011 that is in good condition and also provides seating. There are parts of two sets of stairs within the area, one leading to City Beach and one leading to the Ladies Pool Crown Reserve in good condition. Signs at the stairs warn of risks of the coastal area.
Permitted Purposes, Development, Use or Activity (P) Section 36(3A) (b) LG Act See also **PoM Sections 2A – 2I (b),** especially note PoM section 2H. *Pom Permissibility – provides possible opportunity, not a commitment of resourcing.* 2.14. Schedule Row 10	**P1**. Implementing any Council adopted Masterplan (or any future Council adopted master plan) is permitted. **P2**. **Existing uses, developments, activities** can be: • r**ecommenced if ceased** • **maintained**, • **upgraded** or • **discontinued**. **P3**. **New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (a at the time of the proposed new use, development, activity) is permitted.
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act 2.14. Schedule Row 11	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining a booking, licence or lease agreement with Council o obtaining development consent o in relation to the nature of the land (at **S2**) - it is noted that Council's Development Control Plan (DCP) Chapter D13: 3:10 *Views and View Corridors* identifies Flagstaff Point / Flagstaff Hill as a vantage point for views to the escarpment and views to the coast.
Express authorisation of leases and licences and other estates 2.14. Schedule Row 11	Leases, Licenses and other estates **are expressly authorised under this PoM for permissible uses, developments and activities** listed in this Schedule and/or contained within the provisions that apply to all land under this PoM (sections 2A-2H). It is noted that there are no Existing Tenures within this reserve and that in the future subject to above, Council may

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Council Land Area Name	2.5a Flagstaff Hill - Council Owned Community Land Area PoM Information Schedule
	consider granting a future tenure for achieving a management objective or performance target, especially to conserve the area's heritage.
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee 2.14. Schedule Row 12	There are no existing tenures within these Council owned land areas currently. The mobile ice cream van is within the Crown reserve part of Flagstaff Hill.
Management Objectives Section 36(3)(b) LG Act 2.14. Schedule Row 13	The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 1 in section 1.4 for Park, General Community Use, Area of Cultural Significance and Natural Area Foreshore.
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act 2.14. Schedule Row 14	**PT 1**. The Council owned community land at Flagstaff Hill will remain an area that is a vantage point to City Beach, the Harbour and the ocean horizon, where the history of the area is acknowledged, interpreted, conserved and commemorated appropriately on site. **PT 2**. Lawn areas, Park Furniture of all types, footpaths, shared ways, heritage features, infrastructure, etc are maintained, upgraded or rationalised in accordance with any adopted Masterplan or adopted Delivery Program and Operational Plan to deliver Our Wollongong Our Future 2032 as they apply to the services, programs or capital improvements within the reserve in accordance with the area's relevant heritage listing, safe recreational, community or social use. **PT 3**. Future and Existing Recreational, Social, Community, and Environmental pursuits are successfully operating in line with Council policies, booking agreements, lease or licence terms, and development consents or review of environmental factors in the case of activities occurring in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021.
How will we get there? Means of Achievement for Objectives and Targets	**For Performance Targets PT1 – PT3**: Investigate and consider conservation methods and adaptive re use (if appropriate) to better manage the Flagstaff Hill Fort installations (Heritage Listed Item 5933 –

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Council Land Area Name	**2.5a Flagstaff Hill - Council Owned Community Land Area PoM Information Schedule**
Section 36(3)(c) LG Act 2.14. Schedule Row 15	Flagstaff Hill Fort – under 2009 Wollongong LEP that is part of State Register Listed Item 01823) on the land. Implementation of any existing or future Council endorsed Masterplan. Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with Council's Resourcing Strategy under Our Wollongong Our Future 2032. Ensure that bookings, licensing and leasing of permissible uses, developments, and activities is current and in line with Council policies. All legislative consents are obtained and maintained for uses, activities and development.
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act 2.14. Schedule Row 16	• The rate at which any endorsed Masterplan and/or Conservation Management Plan is implemented is an assessment measure. • Tracking of the trends related to customer satisfaction provides an assessment measure for Council's management of this Crown reserve. Council's Community Satisfaction Survey is done on a regular basis

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Council Land Area Name	2.5a Flagstaff Hill - Council Owned Community Land Area PoM Information Schedule







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Council Land Area Name	2.5a Flagstaff Hill - Council Owned Community Land Area PoM Information Schedule







The popular parking areas at Flagstaff looking towards City Beach

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Council Land Area Name	2.5a Flagstaff Hill - Council Owned Community Land Area PoM Information Schedule





Lot 85 on Flagstaff Hill Oct 2023

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2.6 Crown Reserve "Nun's Pool" Number 40944 PoM Information Schedule

Crown Reserve Name and Number	2.6 "Nun's Pool" Crown Reserve Number 40944 PoM Information Schedule



PLEASE NOTE: THERE IS NO CATEGORY MAP AS ENTIRE RESERVE IS CATEGORISED AS NATURAL AREA FORESHORE.

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Crown Reserve Name and Number	2.6 "Nun's Pool" Crown Reserve Number 40944 PoM Information Schedule
2.6. Schedule Rows 1 and 2 are the same because the entire Reserve area is categorised as Natural Area – Foreshore	
Community Land Categories 2.6. Schedule Row 3	Natural Area – Foreshore
Owner of the Land 2.6. Schedule Row 4	Crown Lands
Reserve purpose 2.6. Schedule Rows 5	Public Baths
Gazettal date 2.6. Schedule Rows 6	Gazettal date: 3 October 1906 A name is not included in the Gazettal.
Land parcel/s (Location Description) 2.6. Schedule Rows 7	Whole Lot 7023 DP 1072640 Parish Wollongong County Camden (East of Flagstaff Hill)
Area (m^2) (Ha) 2.6. Schedule Rows 8	7,278.23 area m^2
LEP zoning 2.6. Schedule Rows 9	RE1 Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act 2.6. Schedule Row 10	This a rocky cliff area north of Flagstaff Hill Crown reserve. It is suitable for looking at for a view, but not bathing. **Heritage Listed Items**: This Crown reserve contains a Local Heritage Item Number 6289 – Nun's Baths under the 2009 Wollongong LEP. This reserve is also part of a larger area listed on the State Heritage Register as Listing Number 01823 - **Wollongong Harbour Precinct.** (W Harbour Precinct Listing 01823). Ladies and children bathed in a secluded cove that was located on the northern tip of Flagstaff Point. The baths were first recorded in 1830s as a ladies swimming place when convict labour erected a hut and improved access to the natural swimming hole. In 1842 Governor Gipps directed that convict labour be used to improve the pool and a path was built down the cliff to access the pool and ropes were strung across the cove to aid swimmers. In 1897, chains replaced the ropes and the pool then became known as the Ladies' Chain Baths. Largely superseded by the

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Crown Reserve Name and Number	2.6 “Nun’s Pool” Crown Reserve Number 40944 PoM Information Schedule
	Ladies' Baths that were built further south in the 20th century, the Chain Baths became favoured by the nuns at a nearby convent and, over time, the pool became known as the Nuns' Pool. The remains of the baths can be seen today.
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Act 2.6. Schedule Row 11	This Crown reserve is reflective of a past era of use related to the early 1900s as evidenced by the NSW gazettal of the public purpose of “Public Baths”.
Permitted Purposes, Development, Use or Activity (P) Section 36(3A) (b) LG Act • See also **PoM Sections 2A – 2I (b),** for permissible purposes, development, use or activity that apply to the Crown reserve. • Please note PoM section 2H. *Pom Permissibility – provides possible opportunity, not a commitment of resourcing.* 2.6. Schedule Row 12	• Coastal Zone Management Program Activities are permitted. • Sign (regulatory, public safety, heritage) installation, maintenance, replace or removal are permitted.
Scale and Intensity of Permitted Development, Use or Activity 2.6. Schedule Row 13	• No development, use or activity is permitted that encourages use of this reserve for public bathing.
Express authorisation of leases and licences and other estates 2.6. Schedule Row 14	For any permitted purposes, development, use or activity for a period ranging from short term casual to up to 21 years or up to 30 years with Ministerial consent as per the LG Act.

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Crown Reserve Name and Number	**2.6 "Nun's Pool" Crown Reserve Number 40944 PoM Information Schedule**
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee 2.6. Schedule Row 15	None
Management Objectives Section 36(3)(b) LG Act 2.6. Schedule Row 16	The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 1 in section 1.4 for Natural Area – Foreshore.
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act 2.6. Schedule Row 17	**PT 1.** The area is to be managed as natural area foreshore cliff face and rocky outcrop. Use of the area is strongly discouraged.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.6. Schedule Row 18	Leave the site as it is currently without any improvements upon the land.
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act 2.6. Schedule Row 19	Review management of the area periodically to assess if there have been emergency responses required.

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2.7 Crown Reserve "Ladies Pool" Number 40945 PoM Information Schedule

Crown Reserve Name and Number	2.7 "Ladies Pool" Crown Reserve Number 40945 PoM Information Schedule





PLEASE NOTE: THERE IS NO CATEGORY MAP AS ENTIRE RESERVE IS CATEGORISED AS NATURAL AREA FORESHORE.

2.7. Schedule Rows 1 and 2 are the same because the entire Reserve area is categorised as Natural Area – Foreshore

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Crown Reserve Name and Number	**2.7 "Ladies Pool" Crown Reserve Number 40945 PoM Information Schedule**
Community Land Categories 2.7. Schedule Row 3	Natural Area – Foreshore
Owner of the Land 2.7. Schedule Row 4	Crown Lands
Reserve purpose 2.7. Schedule Row 5	Public Baths
Gazettal date 2.7. Schedule Row 6	3 October 1906 A name was not included in the Gazettal.
Land parcel/s (Location Description) 2.7. Schedule Row 7	Whole: Lot 7024 DP 1072640 Parish Wollongong County Camden (South of Flagstaff Hill Carpark)
Area (m^2) (Ha) 2.7. Schedule Row 8	3,385.43 m^2
LEP zoning 2.7. Schedule Row 9	RE1 Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act 2.7. Schedule Row 10	Rocky outcrop along the foreshore, in early 1900s it was used as a swimming area where there was a requirement to separate men and women when bathing in the ocean. There is an existing set of stairs from Flagstaff Hill to down below to the outcrop. **Heritage Item** This Crown reserve contains a Local Heritage Item Number 6373 – Ladies Baths under the 2009 Wollongong LEP. This reserve is also part of a larger area listed on the State Heritage Register as Listing Number 01823 - **Wollongong Harbour Precinct.** (W Harbour Precinct Listing 01823). All that remains of the Ladies' Baths that were built on the southern side of Wollongong Headland (Flagstaff Hill) is a set of low concrete weirs retaining water on three sides of a natural depression in the rock. In use from the mid-1850s, the Ladies' Baths was converted by deepening into a proper bathing place in 1887. A timber dressing shed stood on the rock shelf above and west of the pool with steps leading down the

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Crown Reserve Name and Number	2.7 "Ladies Pool" Crown Reserve Number 40945 PoM Information Schedule
	hillside to the pool. From the 1960s, segregated bathing was no longer so popular.
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Act 2.7. Schedule Row 11	**CU1**. This Crown reserve is reflective of a past era of use. While there is a set of stairs within the reserve (built decades ago) there is existing signage warning of the risks of this rocky outcrop of the city's foreshore.
Permitted Purposes, Development, Use or Activity 2.7. Schedule Row 12	• Coastal Zone Management Program Activities are permitted. • Maintenance, replacement or removal of exiting Sign (regulatory, public safety, heritage) or other existing infrastructure is permitted. • For Emergency and/or Public Safety Responses
Scale and Intensity of Permitted Development, Use or Activity 2.7. Schedule Row 13	Use of this area is not encouraged as evidenced by the existing risk signage and permitted development is to be to the scale required to warn the public that use of this area may be hazardous.
Express authorisation of leases and licences and other estates 2.7. Schedule Row 14	No tenures are authorised unless related to emergency, public safety or environmental research, preservation of aquatic natural environment, or to address coastal hazards. Leases, Licences or other estates could be for a period ranging from short term casual to up to 21 years or up to 30 years with Ministerial consent as per the LG Act.
Existing Tenures Type, Purpose, (Term), Licensee or Leasee 2.7. Schedule Row 15	None
Management Objectives Section 36(3)(b) LG Act 2.7. Schedule Row 16	The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 1 in section 1.4 for Natural Area – Foreshore.

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Crown Reserve Name and Number	2.7 “Ladies Pool” Crown Reserve Number 40945 PoM Information Schedule
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act 2.7. Schedule Row 17	**PT 1.** The area is to be managed as natural area foreshore cliff face and rocky outcrop. Use of the area is strongly discouraged.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.7. Schedule Row 18	Leave the site as it is currently without any improvements upon the land unless related to the limited permitted uses and developments in this schedule.
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act 2.7. Schedule Row 19	Review management of the area periodically to assess if there have been emergency responses required.

Looking south from Flagstaff Hill Crown Reserve to see a person sitting at the Ladies Pool Crown Reserve @ the blue circle.



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Crown Reserve Name and Number	2.7 "Ladies Pool" Crown Reserve Number 40945 PoM Information Schedule

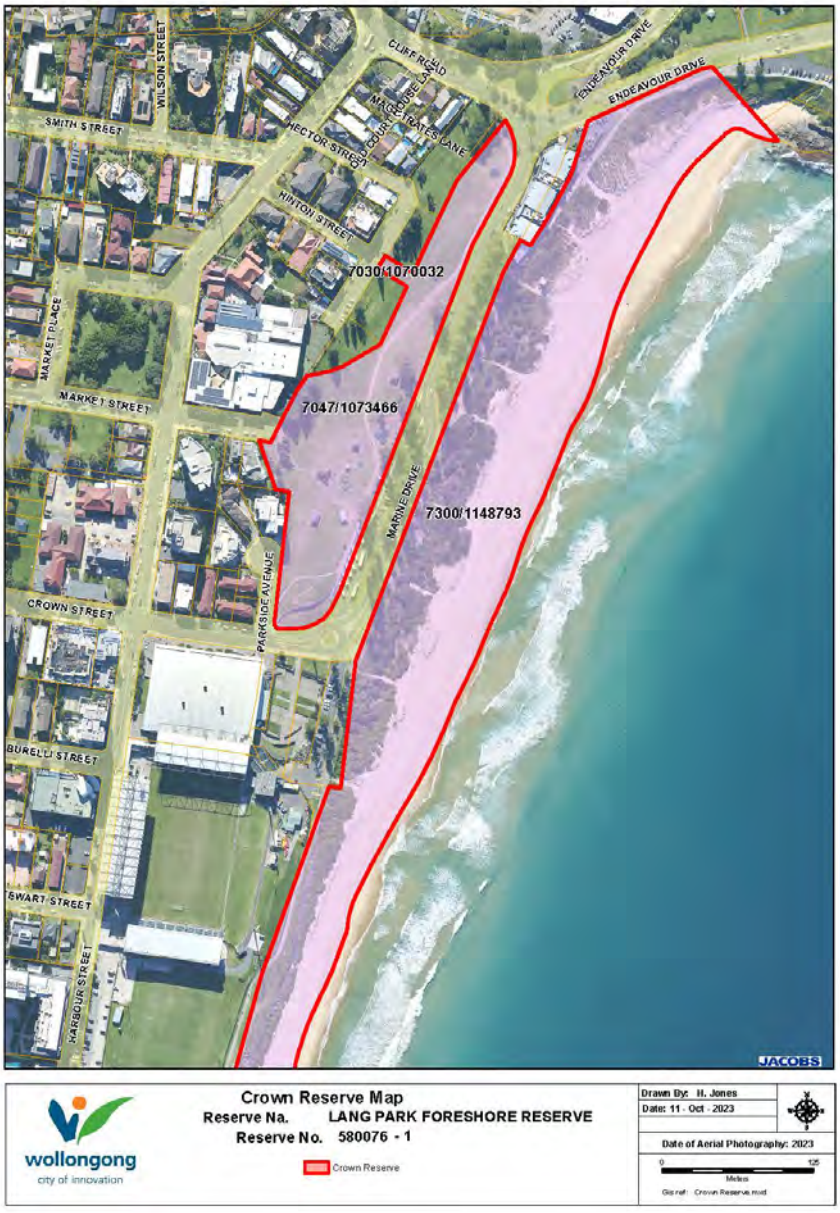
A photograph of the Existing Warning Signage present at the stairs within the Reserve.



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2.8 Crown Reserve Lang Park Foreshore Reserve Number 580076 PoM Information Schedule – Endeavor Dr to Crown St

Crown Reserve Name and Number	2.8 Lang Park Foreshore Reserve Crown Reserve 580076 – Endeavor Dr - Crown St. PoM Information Schedule

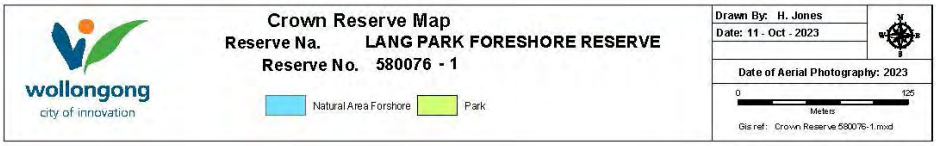


2.8A Schedule Row 1 - The Crown Reserve Map in this row shows part of the land area of the Crown Reserve. See 2.8B also.

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Crown Reserve Name and Number	2.8 Lang Park Foreshore Reserve Crown Reserve 580076 – Endeavor Dr - Crown St. PoM Information Schedule





2.8A. Schedule Row 2 – The Crown Reserve Map in this row shows the Community Land Categories of part of the Crown Reserve. See 2.8B also.

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Crown Reserve Name and Number	**2.8 Lang Park Foreshore Reserve Crown Reserve 580076 – Endeavor Dr - Crown St. PoM Information Schedule**
Community Land Categories 2.8A. Schedule Row 3	Park and Natural Area Foreshore
Owner of the Land 2.8A. Schedule Rows 4	Crown Lands
Reserve purpose 2.8A. Schedule Rows 5	Public Recreation
Gazettal date 2.8A. Schedule Rows 6	Gazettal date:12 July 1911
Land parcel/s 2.8A. Schedule Rows 7	Lot 7030 DP 1070032, Lot 7047 DP 1073466, Lot 7300 DP 1148793
Area (m^2) (Ha) 2.8A. Schedule Rows 8	19.64 (Ha)
LEP zoning 2.8A. Schedule Row 9	RE1 Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act	Lang Park is a large open space area with separated cycleway and pedestrian paths, a playground, toilet outdoor fitness equipment, and includes the patrolled beach - City Beach or South Beach if you have lived in Wollongong before the 2000s. Marine Drive dissects this portion of Lang Park Foreshore Reserve, so that the beach part of the reserve is east of Marine Drive. On the beach side of the Crown Reserve is some of the parking, dunes, a pedestrian path (cyclists are told to dismount after the Crown Street and Marine Drive roundabout if there are using the shared way on the east/beach side.). The east side of the Crown reserve does not include the City Beach Function Centre and City Beach Surf Life Saving Club, however a portion of the outside dining area for the Kiosk serving City Beach visitors is within the Crown reserve. City Beach itself has various beach access points sign posted with showers, taps, some bench seating and a lifeguard tower as well. Crossing back over to the west, Marine Drive itself has carparking serving the Crown reserve and portions of this parking do occur within the Crown reserve. Currently part of this parking is used as a Bus Terminus, however this use is not related to public recreation purposes and so is not supported to remain on the land. The heritage listed items adjoining this Crown reserve and in the Crown Reserve are noted below.

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Crown Reserve Name and Number	**2.8 Lang Park Foreshore Reserve Crown Reserve 580076 – Endeavor Dr - Crown St. PoM Information Schedule**
2.8A. Schedule Row 10	**Heritage Listed Items** (Heritage Maps – Appendix 1): • The Avenue of Norfolk Island Pines is a Local Heritage Item Number 6590 under the Wollongong 2009 LEP that occurs in the Marine Drive Road reserve that adjoins this Crown reserve. • Three Picnic Shelters are another Local Heritage Item 6269 within Lang Park Foreshore Crown reserve.
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Act 2.8A. Schedule Row 11	**CU1.** Lang Park has high quality park furniture, public toilets, outdoor fitness equipment, beach lookouts, lifeguard tower, parking area etc – however graffiti and wear and tear do have an impact and the play equipment and some surfaces need refurbishment. **CU2.** City Beach dunes have natural area values and serve an ecological and coastal hazard mitigation purpose. Appendix 1 includes Native Vegetation mapping along this portion of Lang Park Foreshore Crown reserve site surveyed in 2020 under the information for the Biodiversity Conservation Act 2016 information. Beach Sands Spinifex, Coastal Sand Scrub and disturbed Acacia Scrub are present.
Permitted Purposes, Development, Use or Activity See also **PoM Sections 2A – 2I (b),** especially note PoM section 2H. *Pom Permissibility – provides possible opportunity, not a commitment of resourcing.*	**P1**. Implementing the future Lang Park Masterplan (or any future Council adopted master plan) is permitted. **P2**. Removal of the bus terminus from any portion of the Crown Reserve is permitted. Use of any part of reserve for a Bus Terminus is not permitted. **P3**. Continuation of Outdoor restaurant ancillary to adjoining business (Kiosk/café at City Beach Function Centre/Surf Lifesaving Club Facility on Operational Land) subject to licence agreement is permitted. **P4**. **Existing uses, developments, activities** can be: • r**ecommenced if ceased** (excluding Bus Terminus) – an example of a "recommencing existing activity" is the use a currently vacant personal fitness trainer locations within the reserve permitted under DA-2009/100/B (or any future related DA consent for fitness trainers on Council managed public land.) • **maintained**, • **upgraded** or • **discontinued**. **P5**. **New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use,

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Crown Reserve Name and Number	2.8 Lang Park Foreshore Reserve Crown Reserve 580076 – Endeavor Dr - Crown St. PoM Information Schedule
2.8A. Schedule Row 12	development, activity) and consistent with the Crown reserve purpose(s) is permitted.
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act *See also **PoM Sections 2A – 2I (b),** especially **2F Express authorisation of leases and licences and other estates.*** 2.8A. Schedule Row 13	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining development consent o obtaining a booking, licence or lease agreement with Council
Express authorisation of leases and licences and other estates 2.8A. Schedule Row 14	Leases, Licenses and other estates are expressly authorised under this PoM for permissible uses, developments and activities listed in this Schedule and fitting within the provisions that apply to all land under this PoM (sections 2A-2H) and the provisions that apply to Crown reserves under this PoM (section 2I).
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee 2.8A. Schedule Row 15	**T1.** Licence for Fitness Training Location WL01(1/1/2016 – 21/12/2020 holding over) by Sir Yes Sir Fitness.
Management Objectives Section 36(3)(b) LG Act 2.8A. Schedule Row 16	The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 1 in section 1.4 for Park and Natural Area Foreshore.
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act	**PT 1**. Lang Park Foreshore Park Crown reserve is a place where the dunes and Norfolk Pines are ecologically healthy, the picnic shelters from the early recreational period of the 1930s are in good condition and the area is well visited by the public.

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Crown Reserve Name and Number	2.8 Lang Park Foreshore Reserve Crown Reserve 580076 – Endeavor Dr - Crown St. PoM Information Schedule
2.8A. Schedule Row 17	**PT 2**. Lang Park Foreshore Crown Reserve is a place where increasing urban living creates more visitors to the reserve without a diminishing in the area's capacity to meet recreational needs. There is a cohesive recreational, public amenity relationship between Lang Park and the surrounding area that includes the WEC and stadium, adjoining high density residential development and City Beach. A wider variety of recreational, social and community activities, events, development are available to create spaces attracting all generations and backgrounds. **PT 3**. Lawn areas, Park Furniture, signage, shared ways, infrastructure that enables adequate stormwater management, response to climate change, facilitates the public's use – toilets, drinking fountains, beach/natural areas etc - are maintained, upgraded or rationalised in accordance with any adopted Masterplan or adopted Delivery Program and Operational Plan to deliver Our Wollongong Our Future 2032 as they apply to the services, programs or capital improvements within the reserve. **PT 4**. Future and Existing Recreational, Social, Community, and Environmental pursuits are successfully operating in line with Council policies, booking agreements, lease or licence terms, vegetation management plans and development consents or review of environmental factors in the case of activities occurring in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.8A. Schedule Row 18	**For PT 1:** Continue Natural Area Management activities for biodiversity, coastal hazard mitigation and Lifeguard- Surf Life Saving Patrol needs in line with Council policies and applicable legislation. Regularly inspect the health of the Norfolk Island Pines and act as needed. Continue to maintain the heritage listed Picnic Shelters without significant alternation unless for public safety purposes. **For Performance Targets PT1 – PT3**: Development of a Lang Park Masterplan

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Crown Reserve Name and Number	**2.8 Lang Park Foreshore Reserve Crown Reserve 580076 – Endeavor Dr - Crown St. PoM Information Schedule**
	Implementation of the future Council endorsed Lang Park Masterplan. **For Performance Target PT 3**: Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with Council's Resourcing Strategy under Our Wollongong Our Future 2032. **For Performance Target PT4:** Ensure that bookings, licensing and leasing of permissible uses, developments, and activities is current and in line with Council policies. All legislative consents are obtained and maintained for uses, activities and development
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act 2.8A. Schedule Row 19	**For Performance Targets PT1-PT4**: • The rate at which any endorsed Masterplan is implemented is an assessment measure. • Tracking of the trends related to customer satisfaction provides an assessment measure for Council's management of this Crown reserve. Council's Community Satisfaction Survey is done on a regular basis independently and should be increasing over time.

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Crown Reserve Name and Number	2.8 Lang Park Foreshore Reserve Crown Reserve 580076 – Endeavor Dr - Crown St. PoM Information Schedule
From Oct 2022 – Jan 2022 public parking for recreational users of Lang Park was increased – Photo taken on Sunday afternoon 6 Nov 2022 by Council Staff. Buses have temporarily returned since 30 January 2023 as part of an ongoing process to work through longer term options for bus layovers in the city between Council and Transport NSW. Transport for NSW are undertaking community consultation on options to relocate the bus layover.	 Lang Park Playground is shown on below along with a heritage listed picnic shelter and automated public toilet.



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Crown Reserve Name and Number	2.8 Lang Park Foreshore Reserve Crown Reserve 580076 – Endeavor Dr - Crown St. PoM Information Schedule









Lang Park Photographs:

- Cycleway, exercise equipment being used, Pedestrian path, lawn areas
- Example of vandalism that needs removal on a regular basis in Lang Park and throughout the Wollongong Local Government Area that is on one piece of the Lang Park outdoor gym. This outdoor gym equipment at Lang Park is also aging as it was the first area to have it installed over 10 years ago.

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Crown Reserve Name and Number	2.8 Lang Park Foreshore Reserve Crown Reserve 580076 – Endeavor Dr - Crown St. PoM Information Schedule



The Life Guard Tower at City Beach and benches, showers, tap and signage along with a few cockatoos



View to Lang Park from Crown Street

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2.8a Crown Reserve Lang Park 580097 (Devolved) PoM Information Schedule subject to Council becoming the Crown Land Manager

Reserve Name and Number	**2.8a Lang Park Crown Reserve 580097 – Northwest Corner of Lang Park – Cliff Road / Hector St – PoM Information Schedule** effective as of ***[enter date]*** .Council's management responsibilities changed from "Devolved Crown Reserve" to "Crown Land Manager" under the CLM Act 2016 on that date.



PLEASE NOTE: THERE IS NOT CATEGORY MAP AS THE ENTIRE RESERVE IS CATEGORISED AS PARK.

2.8 Schedule Rows 1 and 2 are the same because the entire reserve is categorised as Park.

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Reserve Name and Number	**2.8a Lang Park Crown Reserve 580097 – Northwest Corner of Lang Park – Cliff Road / Hector St – PoM Information Schedule** effective as of *[enter date]* .Council's management responsibilities changed from "Devolved Crown Reserve" to "Crown Land Manager" under the CLM Act 2016 on that date.
Community Land Categories 2.8. Schedule Row 3	Park
Owner of the Land 2.8. Schedule Row 4	Crown Lands
Reserve purpose 2.8. Schedule Row 5	Public Recreation
Gazettal date 2.8. Schedule Row 6	Gazettal date:1 November 1929
Land parcel/s 2.8. Schedule Row 7	Lot 7 DP 751299 and Lot 7025 DP 1070037
Area (m^2) (Ha) 2.8. Schedule Row 8	0.36 (Ha)
LEP zoning 2.8. Schedule Row 9	RE1 Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act 2.8 Schedule Row 10	Lang Park Crown reserve number 580096 is mostly lawn open space with a small portion of a concrete pedestrian path at the southwest corner of the small reserve (it is small at .36 Ha compared with the Lang Park Foreshore Reserve Number 580076 that is 19.64 Ha). There are a few trees within the reserve as well.
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Act 2.8. Schedule Row 11	**CU1.** The lawn areas are well maintained, the trees are in good health and the pedestrian path is in good condition.

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Reserve Name and Number	**2.8a Lang Park Crown Reserve 580097 – Northwest Corner of Lang Park – Cliff Road / Hector St – PoM Information Schedule** effective as of ***[enter date]*** .Council's management responsibilities changed from "Devolved Crown Reserve" to "Crown Land Manager" under the CLM Act 2016 on that date.
Permitted Purposes, Development, Use or Activity See also **PoM Sections 2A – 2I (b),** especially note PoM section 2H. Pom Permissibility – provides possible opportunity, not a commitment of resourcing. 2.8. Schedule Row 12	**P1**. Implementing the future Lang Park Masterplan (or any future Council adopted master plan) is permitted. **P2. New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) and consistent with the Crown reserve purpose(s) is permitted. **Please Note: This Crown reserve is primarily used as an open space in 2024/2025.** This should remain as the primary focus into the future by considering short term casual event use of this small Crown reserve when the proposed event is also occurring across the larger area known as "Lang Park" to the west and/or along the Blue Mile to the east.
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act . 2.8. Schedule Row 13	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining development consent o obtaining a booking, licence or lease agreement with Council **S3.** See also PoM Sections 2A – 2I (b), especially 2F Express authorisation of leases and licences and other estates
Express authorisation of leases and licences and other estates 2.8. Schedule Row 14	Leases, Licenses and other estates are expressly authorised under this PoM for permissible uses, developments and activities listed in this Schedule and fitting within the provisions that apply to all land under this PoM (sections 2A-2H) and the provisions that apply to Crown reserves under this PoM (section 2I).
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee	**T1.** There are no existing tenures.

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Reserve Name and Number	**2.8a Lang Park Crown Reserve 580097 – Northwest Corner of Lang Park – Cliff Road / Hector St – PoM Information Schedule** effective as of ***[enter date]*** .Council's management responsibilities changed from "Devolved Crown Reserve" to "Crown Land Manager" under the CLM Act 2016 on that date.
2.8. Schedule Row 15	
Management Objectives Section 36(3)(b) LG Act 2.8. Schedule Row 16	The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 3 in section 1.4 for Park.
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act 2.8. Schedule Row 17	**PT 1.** Lang Park Crown reserve is a place where the lawn areas, trees and shrubs are in good health while also being a place that is well visited by the public as they undertake their own personal recreational pastimes or as they participate in a short-term event also taking place across other parts of Lang Park or an event taking place to the east of Cliff Road along the Blue Mile. Please Note: Lang Park consists of Lang Park Foreshore Crown Reserve Number 580076 and Council owned Community Land lots at Hector Street. **PT 2**. Lang Park Crown Reserve is a place where increasing urban living creates more visitors to the reserve without a diminishing in the area's capacity to meet recreational needs. **PT 3**. Footpaths and bult infrastructure are well maintained, upgraded or rationalised in accordance with any adopted Masterplan or adopted Delivery Program and Operational Plan to deliver Our Wollongong Our Future 2032 as they apply to the services, programs or capital improvements within the reserve.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.8. Schedule Row 18	**For Performance Targets PT1 – PT3**: • Continue to regularly mow the lawns and periodically check the health of the trees and shrubs within the reserve. • Development of a Lang Park Masterplan • Implementation of the future Council endorsed Lang Park Masterplan. • Manage Council assets sustainably, according to the relevant asset management plan.

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Reserve Name and Number	**2.8a Lang Park Crown Reserve 580097 – Northwest Corner of Lang Park – Cliff Road / Hector St – PoM Information Schedule** effective as of ***[enter date]*** .Council's management responsibilities changed from "Devolved Crown Reserve" to "Crown Land Manager" under the CLM Act 2016 on that date.
Manner of Assessment for Objectives and Targets How do we know when we get there? Section 36(3)(d) LG Act 2.8. Schedule Row 19	**For Performance Targets PT1-PT3**: • The number of short-term casual events within Lang Park is reviewed periodically to inform Councils management of the reserve to maintain the current good health of the lawns, trees, shrubs and concrete footpath. • The rate at which any endorsed Masterplan is implemented is an assessment measure. • Tracking of the trends related to customer satisfaction provides an assessment measure for Council's management of this Crown reserve. Council's Community Satisfaction Survey is done on a regular basis independently and should be increasing over time.

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2.8b Council Land- Lang Park – Hector St PoM Information Schedule

Council Land Area Name	2.8b Council Land - Lang Park – Hector Street – Council Owned Community Land PoM Information Schedule



PLEASE NOTE: THERE IS NO CATEGORY MAP AS ALL OF THE LOTS ARE CATEGORISED AS PARK.

2.15. Schedule Rows 1 and 2 are the same as all the Council owned land parcels are categorised as Park – There is no category Map.

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Council Land Area Name	**2.8b Council Land - Lang Park – Hector Street – Council Owned Community Land PoM Information Schedule**
Community Land Categories 2.15. Schedule Row 3	Park for all the Council owned Community Land Parcels.
Owner of the Land 2.15. Schedule Row 4	Wollongong City Council
Land parcel/s (Location Description) 2.15. Schedule Row 5	Lot/ DP: Lot 4 DP 16232, Lot 7 DP 16118, Lot 2 DP 152480
Area (m^2) (Ha) 2.15. Schedule Row 6	3,749 m^2 for all the Council owned land at Lang Park.
LEP zoning 2.15. Schedule Row 7	RE1 Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act 2.15. Schedule Row 8	The land is open space adjoining the Crown Reserve Lang Park Foreshore and Lot 4 adjoins the devolved Crown Reserve named Lang Park Number 580097 on its eastern boundary. The land does not look any different from the parklands, open space that is Lang Park Foreshore Crown Reserve 580076 that Council is the Crown Land Manager for under the CLM Act.
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Act 2.15. Schedule Row 9	Part of the Council owned land is licenced to St Mary's Catholic School on a nonexclusive basis for use as sporting areas for school students. Otherwise, the area is used by the public as open space in this popular recreational area being between high rise residential development and close to CBD and City Beach and the Harbour area.
Permitted Purposes, Development, Use or Activity (P) Section 36(3A) (b) LG Act 2.15. Schedule Row 10 Note: PoM section 2H. *Pom Permissibility – provides possible opportunity, not a commitment of resourcing.*	**P1**. Implementing any Council adopted Masterplan (or any future Council adopted master plan) is permitted. **P2**. Existing uses, developments, activities can be: • recommenced if ceased. • maintained, • upgraded or • discontinued.

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Council Land Area Name	**2.8b Council Land - Lang Park – Hector Street – Council Owned Community Land PoM Information Schedule**
	P3. **New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) is permitted. See also PoM Sections 2A – 2H for permissible purposes, development, use or activity that apply to the Council owned land.
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act 2.15. Schedule Row 11	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining a booking, licence or lease agreement with Council o obtaining development consent
Express authorisation of leases and licences and other estates 2.1. Schedule Row 12	Leases, Licenses and other estates **are expressly authorised under this PoM for permissible uses, developments and activities** listed in this Schedule and/or contained within the provisions that apply to all land under this PoM (sections 2A-2H).
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee 2.15. Schedule Row 13	**T1**. Licence for passive and active recreational activities excluding cricket, softball, and baseball and any games where a similar hard ball is used that has the potential to injure other users of the land or adjoining park. (1/1/2015 – 31/12/2019- holding over) to St Mary Star of the Sea College.
Management Objectives Section 36(3)(b) LG Act 2.15. Schedule Row 14	The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 1 in section 1.4 for Park.
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act 2.15. Schedule Row 15	**PT 1**. The Council owned community land at Lang Park will remain an area used by the public for open space and recreational, social and community purposes. **PT 2**. Lawn areas, Park Furniture of all types, footpaths, shared ways, heritage features, infrastructure, etc are maintained, upgraded or rationalised in

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Council Land Area Name	**2.8b Council Land - Lang Park – Hector Street – Council Owned Community Land PoM Information Schedule**
	accordance with any adopted Masterplan or adopted Delivery Program and Operational Plan to deliver Our Wollongong Our Future 2032 as they apply to the services, programs or capital improvements within the reserve in accordance with the area's relevant heritage listing, safe recreational, community or social use. **PT 3**. Future and Existing Recreational, Social, Community, and Environmental pursuits are successfully operating in line with Council policies, booking agreements, lease or licence terms, and development consents or review of environmental factors in the case of activities occurring in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.15. Schedule Row 16	Implementation of any existing or future Council endorsed Masterplan. Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with Council's Resourcing Strategy under Our Wollongong Our Future 2032. Ensure that bookings, licensing and leasing of permissible uses, developments, and activities is current and in line with Council policies. All legislative consents are obtained and maintained for uses, activities and development.
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act 2.15. Schedule Row 17	• The rate at which any endorsed Masterplan and/or Conservation Management Plan is implemented is an assessment measure. • Tracking of the trends related to customer satisfaction provides an assessment measure for Council's management of this Crown reserve. Council's Community Satisfaction Survey is done on a regular basis independently and should be increasing over time.

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2.8c Crown Reserve Lang Park Foreshore Reserve Number 580076 PoM Information Schedule – Harbour St – Bank St – Swan St

Crown Reserve Name and Number	2.8c Lang Park Foreshore Reserve Crown Reserve 580076 - Harbour, Bank, Swan Streets – PoM Information Schedule



2.8B. Schedule Row 1 The Crown Reserve Map in this row shows part of the land area of the Crown Reserve. See 2.8A also.

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Crown Reserve Name and Number	**2.8c Lang Park Foreshore Reserve Crown Reserve 580076 - Harbour, Bank, Swan Streets – PoM Information Schedule**



2.8B Schedule Row 2 - The Crown Re23633serve Map in this row shows the Community Land Categories of part of the Crown Reserve. See 2.8A also.

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Crown Reserve Name and Number	**2.8c Lang Park Foreshore Reserve Crown Reserve 580076 - Harbour, Bank, Swan Streets – PoM Information Schedule**
Community Land Categories 2.8B. Schedule Row 3	Sportsground for the Golf Course Tenure Agreement area Park Natural Area Foreshore
Owner of the Land 2.8B. Schedule Row 4	Crown Lands
Reserve purpose 2.8B. Schedule Row 5	Public Recreation
Gazettal date 2.8B. Schedule Row 6	Gazettal date: 12 July 1911
Land parcel/s (Location Description) 2.B. Schedule Row 7	Lot 7030 DP 1070032, Lot 7047 DP 1073466, Lot 7300 DP 1148793
Area (m^2) (Ha) 2.8B. Schedule Row 8	19.64 (Ha)
LEP zoning 2.8B. Schedule Row 9	RE1 Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act 2.8B. Schedule Row 10	Lang Park Foreshore Crown Reserve has been put into two Information Schedules as the reserve is so large and certain areas have distinct functions. This information schedule is for the southern part of the Crown reserve that adjoins the eastern boundary of both the WIN Sports Stadium and the corner of Harbour and Bank Streets. The Crown reserve southern boundary is east of Swan Street. Within this area of the reserve is part of the City Beach foreshore and part of Coniston Beach. There is a transition from City Beach (a no dog area) to Coniston Beach which is a Dog Off Leash Area under Council's Dogs on Parks and Beaches Policy 2019. The Blue Mile shared path also continues along this reserve until it ends at Bank Street. South of Bank Street the public foreshore of Coniston Beach continues. West of Coniston Beach is the area of the reserve that is part of the Wollongong Golf Course Links.

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Crown Reserve Name and Number	**2.8c Lang Park Foreshore Reserve Crown Reserve 580076 - Harbour, Bank, Swan Streets – PoM Information Schedule**
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Act 2.8B Schedule Row 11	**CU1.** The southern portion of Lang Park is primarily foreshore with a portion of the shared way that is in good condition. Coniston Beach starts south of Bank Street within the PoM area down to the end of PoM area at Swan Street. Coniston Beach is the Dog Off Leash Area. City Beach (Bank Street or WIN stadium to Belmore Basin) is a Banned Dog Off Leash Area. **CU2.** The Golf Course leased area is in good condition and well used by golfers. **CU3.** The dune vegetation is in a condition that varies and is managed in accordance with its natural coastal function. There is evidence of vegetation vandalism along the foreshore. There are signs prohibited camping and other public nuisance activities.
Permitted Purposes, Development, Use or Activity See also **PoM Sections 2A – 2I (b),** especially note PoM section 2H. *Pom Permissibility – provides possible opportunity, not a commitment of resourcing.* 2.8B. Schedule Row 12	**P1**. Implementing the future Lang Park Masterplan (or any future Council adopted master plan) is permitted. **P2**. **Existing uses, developments, activities** can be: • r**ecommenced if ceased** managed public land.) • **maintained**, • **upgraded** or • **discontinued**. **P3. New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) and consistent with the Crown reserve purpose(s) is permitted.
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act *See also **PoM Sections 2A – 2I (b),** especially **2F Express***	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining development consent

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Crown Reserve Name and Number	**2.8c Lang Park Foreshore Reserve Crown Reserve 580076 - Harbour, Bank, Swan Streets – PoM Information Schedule**
authorisation of leases and licences and other estates 2.8B. Schedule Row 13	o obtaining a booking, licence or lease agreement with Council
Express authorisation of leases and licences and other estates 2.8B. Schedule Row 14	Leases, Licenses and other estates are expressly authorised under this PoM for permissible uses, developments and activities listed in this Schedule and fitting within the provisions that apply to all land under this PoM (sections 2A-2H) and the provisions that apply to Crown reserves under this PoM (section 2I). It is noted that Existing Tenures in this schedule are for PoM permissible uses, developments and activities. There are Existing Tenures that are commercial tenures. Section 46(A)(3) of the LG Act states that a lease or licence for a term exceeding five years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee 2.8B Schedule Row 15	**T1.** Lease for purpose of Golf links (1/7/1995 – 30/6/2015 holding over) to Wollongong Golf Club Limited. (Note: Only a future **Licence** under this PoM is permissible, not a lease as was granted previously unless compliance with the ALR Act can be achieved.) The eastern boundary of the leased area was not fenced under the 1998 agreement and there are no buildings on the Crown land 1998 leased area. It is occupied similar to a licence area rather than a lease.
Management Objectives Section 36(3)(b) LG Act 2.8B. Schedule Row 16	The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 1 in section 1.4 for Sportsground, Natural Area Foreshore and Park.
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act	**PT 1**. Lang Park south of Crown Street down to Swan Street is an area that is well cared for and well visited by the public for their recreational and social needs and where Coniston Beach begins the area is a well-cared for dog off leash area. **PT 2**.

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Crown Reserve Name and Number	**2.8c Lang Park Foreshore Reserve Crown Reserve 580076 - Harbour, Bank, Swan Streets – PoM Information Schedule**
2.8B. Schedule Row 17	Lawn areas, Park Furniture of all types, footpaths, shared ways, heritage features, infrastructure, etc are maintained, upgraded or rationalised in accordance with any adopted Master Plan or adopted Delivery Program and Operational Plan to deliver Our Wollongong Our Future 2032 as they apply to the services, programs or capital improvements within the reserve. There is a cohesive recreational, public amenity relationship between Lang Park and the surrounding area that includes the WEC and stadium. **PT 3**. Future and Existing Recreational, Social, Community, and Environmental pursuits are successfully operating in line with Council policies, booking agreements, lease or licence terms, and development consents or review of environmental factors in the case of activities occurring in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021. A licence may be more suitable for the nature of the golf course use where there is continued and ongoing public use of the built access path at Bank Street to access City Beach to the north and to access the Dog Off Leash area at Coniston Beach to the south.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.8B. Schedule Row 18	**For Performance Targets PT1 – PT3**: Implementation of Council's future Lang Park Masterplan (or any existing or future Council endorsed Masterplan). **For Performance Target PT 2**: Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with Council's Resourcing Strategy under Our Wollongong Our Future 2032. **For Performance Target PT3:** Ensure that booking, leasing and licensing of permissible uses, developments, and activities is

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Crown Reserve Name and Number	**2.8c Lang Park Foreshore Reserve Crown Reserve 580076 - Harbour, Bank, Swan Streets – PoM Information Schedule**
	current and in line with Council policies and supports the reserve's public purpose.
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG 2.3. Schedule Row 19	**For Performance Targets PT1-PT3**: • The rate at which any endorsed Masterplan and/or Conservation Management Plan is implemented is an assessment measure. • Tracking of the trends related to customer satisfaction provides an assessment measure for Council's management of this Crown reserve. Council's Community Satisfaction Survey is done on a regular basis independently and should be increasing over time.
Bank Street Path to City Beach  Bank Steet Path (curves to continue towards City Beach Lang Park area and this shows the beach access sand path through the dunes. 	

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2.9 Crown Reserve Andrew Lysaght Park Number 1000384 PoM Information Schedule

Crown Reserve Name and Number	2.9 Andrew Lysaght Park Crown Reserve Number 1000384 PoM Information Schedule



PLEASE NOTE: THERE IS NO CATEGORY MAP AS ENTIRE RESERVE IS CATEGORISED AS PARK.

2.9. Schedule Rows 1 and 2 are the same because the entire Reserve area is categorised as Park.

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Crown Reserve Name and Number	**2.9 Andrew Lysaght Park Crown Reserve Number 1000384 PoM Information Schedule**
Community Land Categories 2.9. Schedule Row 3	Park.
Owner of the Land 2.9. Schedule Row 4	Crown Lands
Reserve purpose 2.9. Schedule Row 5	Public Park in the meaning of being a former Roman Catholic Burial Ground.
Gazettal date 2.9. Schedule Row 6	Gazettal date: 17 October 1969
Land parcel/s 2.9. Schedule Row 7	Lot/ DP: Lots 2-3 DP 1091530
Area (m^2) (Ha) 2.9. Schedule Row 8	.38 (Ha)
LEP zoning 2.9. Schedule Row 9	RE1 Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act	A burial ground was established on the coast in Wollongong in about 1830, before government surveyors laid out the town of Wollongong. At the time a Catholic Priest was not always around at times of burials and overtime there was confusion over who had been buried in Wollongong's oldest burial ground. By 2010 the history of the burial ground and a burial register including 314 persons was installed within the park at the Crown Street entrance. Previous investigations around the time the existing public art was installed put the number at 144 and informed the nature of the artwork pavement and the western boundary artwork wall on which 11 original headstones are mounted. In 2022 the 144 name plates on the artwork wall were removed as they were corroding and popping off the wall creating a public safety hazard and all the information from the name plates were contained in the onsite burial register that remains in the park. Appendix 1 contains more information on this Crown reserve as specific (now repealed) legislation shaped its current shape, purpose and development. Within the Crown reserve the land is entirely paved and stonework and black ornate fencing identifies the boundaries of the reserve except for the portion that is outside the

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Crown Reserve Name and Number	2.9 Andrew Lysaght Park Crown Reserve Number 1000384 PoM Information Schedule
2.9. Schedule Row 10	curved artwork wall and fenced area to the south that provides part of a Right of Way (ROW) access in the benefit of the WIN Entertainment Centre as per relevant legislation from 2001 (See Appendix 1). The area south of the curved wall and fenced area is asphalted and has some plantings. Also, on the same entrance wall as the burial register (Crown Street or North boundary of the reserve) is a plaque acknowledging the burial of Jane/Jenny Rose who was born in 1778 in London England and arrived on the first fleet on 26 January 1788 at the age of 9 as a free person. When J Rose died on 29 August 1849 in Wollongong and was buried in the Old Roman Catholic burial ground, she was the "*Last known free female survivor of the First Fleet*" There are raised lawn areas, seating, garden plantings, a wind sculpture wall, a free-standing Andrew Lysaght Family Memorial, a boat like sculpture that is part of the park despite being part of the built WIN Entertainment Centre structure physically. The land is part of the Local Heritage Listed Item Number 6383 and named *Former Roman Catholic cemetery including Gravestones and Monument* under the Wollongong 2009 LEP (Heritage Map – Appendix 1).
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Act 2.9. Schedule Row 11	**CU1.** There are four sculpture walls of which three are perforated curved steel that are in a declining condition due to the seaside location influencing corrosion. The works were installed in 1998. In September 2022 some remediation works were undertaken due to the incidence of corrosion on the structure and its fixings. The remediation works includes descaling of the sculptural walls, removal of the name plates to remedy a potential safety risk and some shoring up of the baseplates of the structure. Due to the age of the artwork the decision was made to not replace the name plates particularly as these names are represented on the burial register that was added to the park in 2009. The artwork withing the reserve is managed in accordance with the Council's Public Art Policy. There are no current plans for deaccession of the artwork. **CU2.** The artwork paving that acknowledges (the at time known) 142 burials is now dated (and showing wear and cracking from age and use). Wheeled deliveries transverse over the park to the WIN Entertainment Centre (WEC). Hand trucked deliveries are anticipated to continue subject to future changes in building configuration. **CU3.** The 2009 burial register on site is in very good condition.

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	CU4. The 11 headstones mounted on the wall have continued their weathering but there are plaques on site with the inscriptions provided that were refurbished in 2022. The headstones are in metal boxes as a protective measure in response to vandalism in the early 2000s and the top of the metal boxes are triangular to discourage climbing.
Permitted Purposes, Development, Use or Activity 2.9. Schedule Row 12	The public is welcome to enter and enjoy the park setting within Andrew Lysaght Rest Park. Fencing was installed as envisaged under the 2002 Andrew Lysaght Rest Park Master Plan to ensure respectful use of the area. Any improvements in the future will need to reflect respectful use of the area. Measures that enhance the areas heritage values and its use by the public in appropriate ways for a rest park including redesign over the long term are permitted. Wedding ceremonies (no receptions) and events related to the sharing the heritage of the place and providing for education, reflection and peaceful appreciation/enjoyment of the location are permitted. Access by Venues NSW to enable maintence of their existing facilities when no other means is possible to carry out the needed work is permitted. Hand trucking deliveries if there is no other reasonable operational means available (as is the case in 2023 and has been the case the current WEC was built) is permitted. No vehicles are permitted within the reserve unless they are unloading lawn mowers or something similar to maintain the park grounds to the existing high standards or using the existing ROW outside of the curved art wall and fenced area to enter the service area of the WEC.
Scale and Intensity of Permitted Development, Use or Activity	**S1.** As befitting a rest park and former burial ground. **S2**. Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S3.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining development consent o obtaining a booking, licence or lease agreement with Council –

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Crown Reserve Name and Number	2.9 Andrew Lysaght Park Crown Reserve Number 1000384 PoM Information Schedule
2.9. Schedule Row 13	– historically mustering of children during Southern Stars is typically one of the few regular uses of the area – consideration could be made for heritage tours or other innovations in the future aimed at creating more understanding of the area
Express authorisation of leases and licences and other estates 2.9. Schedule Row 14	Leases, Licenses and other estates **are expressly authorised under this PoM for permissible uses, developments and activities** listed in this Schedule and/or contained within the provisions that apply to all land under this PoM (sections 2A-2H) and the provisions that apply to Crown reserves under this PoM (section 2I).
Existing Tenures Type, Purpose, (Term), Licensee or Leasee 2.9. Schedule Row 15	There are no existing leases or non-short term casual licences over this Crown reserve. There are "other estates" as per the deposited plan for the land lots involved in the 2001 land transfer legislation affecting this Crown reserve and the NSW Venues/WEC Sports Stadium land (Appendix 1).
Management Objectives 2.9. Schedule Row 16	o The management objectives are the core objectives of the community land categories that apply to the land (refer to PoM Table 1 in section 1.4 for Park). These objectives apply to the extent that demonstrates consideration of the other management objectives below that relate to the Local Heritage Listed Item Number 6383: • To encourage community understanding and appreciation of the historical and cultural significance of Andrew Lysaght Park; as the original cemetery in Wollongong and a place of continuing religious/sacred significance. • To recognise Andrew Lysaght Park for its significance to the descendants of those buried at the site and as a place for reflection. • To preserve the integrity of the artefacts and remains on site (eg. headstones, monuments, burials). • To build upon the improvements made through the 2002 Andrew Lysaght Rest Park Landscape Masterplan and the 2009 Burial Register on site and to adapt the area to modern sensibilities while retaining the areas historic nature over the next 10 years.

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Crown Reserve Name and Number	**2.9 Andrew Lysaght Park Crown Reserve Number 1000384 PoM Information Schedule**
Performance Targets 2.9. Schedule Row 17	**PT 1**. The area is well visited and understood by those who enter the rest park. The existing headstones and Andrew Lysaght Monument are well maintained on site and easy to interpret. **PT2**. Consideration of a redesign with community consultation and heritage experts and descendants by 2030 that provides for the space being as used and cared for as much as Pioneer Rest Park and Market Square is today. The artwork present within the reserve is nearing the end of its asset life. **PT3**. Heritage Conservation is maintained or increased and the interface and activities associated with the adjacent Venues NSW site continues to be managed. **PT4**. The Burial Register remains on site as it is the most accurate record of burials in this significant place being the result of two-family historians and several years of research.
Means of Achievement for Objectives and Targets 2.9. Schedule Row 18	o Continuation of the existing high level of park maintence occurs including gardening and repair of existing park infrastructure. o Exploration of avenues to generate greater community understanding of the area. o The Artwork within the reserve is managed in accordance with Council's Public Art Policy and is regularly inspected as part of the public art maintenance program. o Consideration of how the reserves heritage values can be a point of difference and a draw card could be considered as part of a future Lang Park Masterplan as the area is an adjoining public space.
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act 2.9. Schedule Row 19	• Rate of progress on increasing the understanding and appropriate visitation to the reserve. • Tracking of the trends related to customer satisfaction for Council's heritage management and park and open space services provides an assessment measure for Council's management of this Crown reserve. Council's Community Satisfaction Survey is done on a regular basis independently and should be increasing over time.

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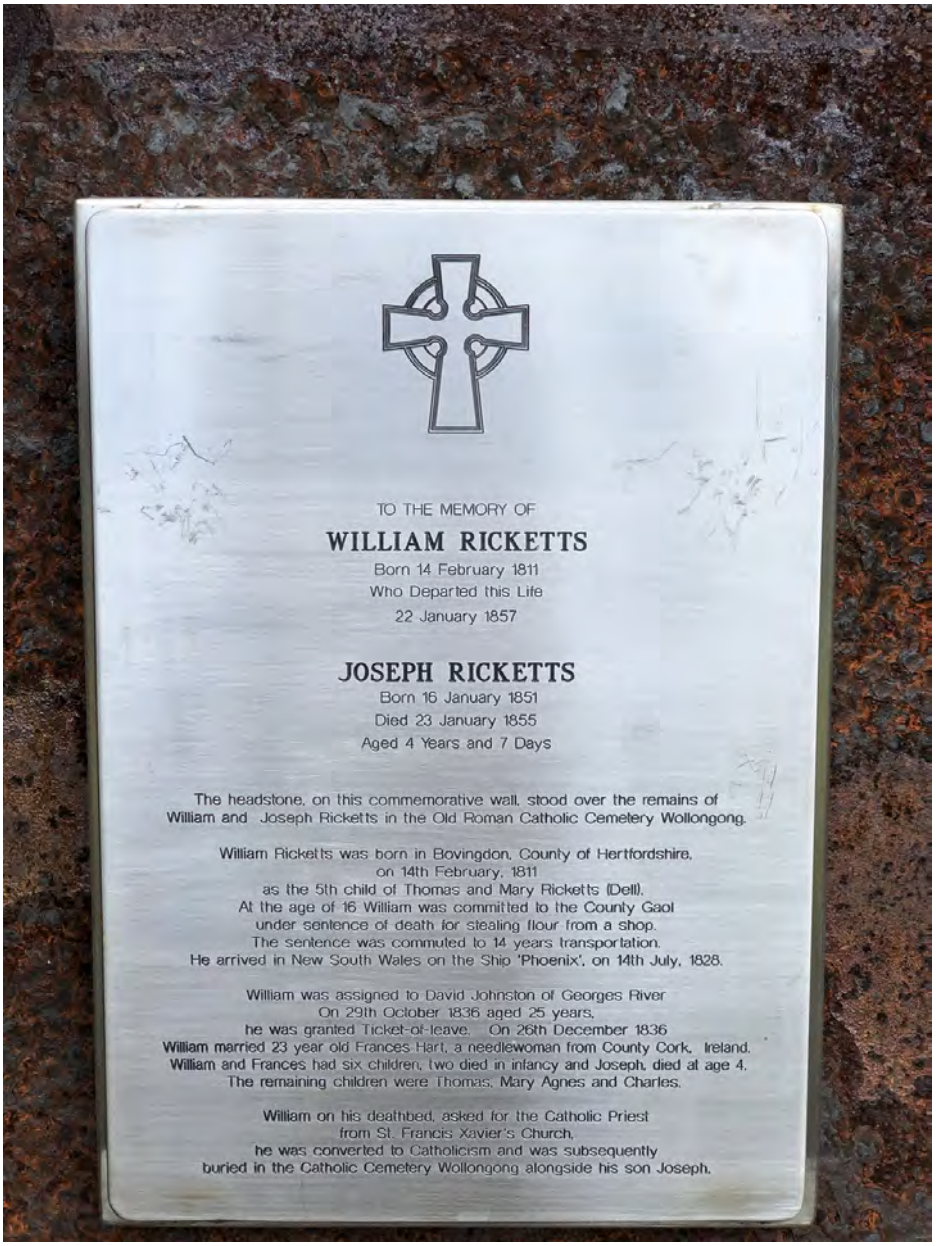
Entrance into Andrew Lysaght Park from Crown Street and the Sculpture Walls and Andrew Lysaght Memorial, Mounted Headstones, Inscriptions and lawn (reinternment area for 1998 finds in Grandstand construction) and art paving photographs follow on the next pages.





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Plaque for the eroding Headstone of William and Joseph Ricketts within the park. Father and son who passed away within two years of each other aged 46 and four years. Representative of the nature of life and death in colonial times in Wollongong.

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The Protective Metal Box for the headstone of Bridget Clifford is shown above. Below is the artwork paving, the white squares show the age of a person buried in the cemetery. Then a close view of the perforated wind sculpture walls (those without any headstones) follows.







Example of the removed eroding and popping name plates

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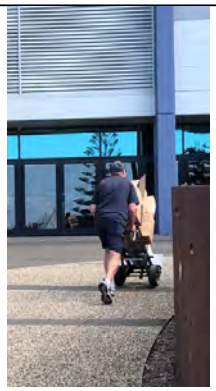
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August 2003 era record of what Andrew Lysaght Park looked like after 1998 but before implementation of the December 2002 Andrew Lysaght Park Plan of Management Landscape Masterplan that was completed by 2010 with the burial register on site being the last element. This is included to demonstrate what the areas looked like when not enclosed by the existing fence.

The interface with the WIN Entertainment Centre and Sportsground in 2023– On the southern boundary, a hand trucked delivery, the boat structure, WEC doors, Raised Garden and restaurant covered outdoor seating in the background. The pictures reflect permitted uses of the land under this PoM and the previous 2002 PoM.







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Crown Reserve Name and Number	2.9 Andrew Lysaght Park Crown Reserve Number 1000384 PoM Information Schedule





Burial Register at the Crown Street Entrance and the First Fleet Plaque



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Crown Reserve Name and Number	2.9 Andrew Lysaght Park Crown Reserve Number 1000384 PoM Information Schedule



The Andrew Lysaght Monument Inscription

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2.10 Council Land - Former Quilkey Place – PoM Information Schedule

Council Land Area Name	**2.10 Former Quilkey Place – Council Community Land PoM Information Schedule -** This Council Land area adjoins three other Crown Reserves (Lang Park 580076 to the east, Andrew Lysaght Park 1000384 to the west and Wollongong Reserve Trust 84424 to the south)



2.16. Schedule Row 1 – The Council Owned Community Land Map in this row shows the land area of the community land owned by Council.

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Council Land Area Name	**2.10 Former Quilkey Place – Council Community Land PoM Information Schedule -** This Council Land area adjoins three other Crown Reserves (Lang Park 580076 to the east, Andrew Lysaght Park 1000384 to the west and Wollongong Reserve Trust 84424 to the south)



2.16. Schedule Row 2 – The Council Owned Community Land Map in this row shows the community land categories of the community land owned by Council.

Community Land Categories 2.16. Schedule Row 3	General Community Use (parking/access), Park (cycleway) and Natural Area Foreshore (dunes)
Owner of the Land 2.16. Schedule Row 4	Wollongong City Council
Land parcel/s (Location Description) 2.16. Schedule Row 5	Lot/ DP: Lots 4 & 5 DP 1091530
Area (m^2) (Ha) 2.16. Schedule Row 6	2933 m^2 land area total for all Council owned community land lots.

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Council Land Area Name	**2.10 Former Quilkey Place – Council Community Land PoM Information Schedule -** This Council Land area adjoins three other Crown Reserves (Lang Park 580076 to the east, Andrew Lysaght Park 1000384 to the west and Wollongong Reserve Trust 84424 to the south)
LEP zoning 2.16. Schedule Row 7	RE1 Public Recreation
General Description of Improvements and Land Section 36(3A) (a) LG Act 2.16. Schedule Row 8	The land is a former road (Quilkey Place) that is now improved with public carparking and footpath with lawn, shared way and dune area as it adjoins City Beach (the Crown Reserve Lang Park Foreshore 580076 to the east). The western boundary of former Quilkey Place is Andrew Lysaght Rest Park Crown Reserve Number 1000384. The land is part of the Local Heritage Listed Item Number 6383 and named *Former Roman Catholic cemetery including Gravestones and Monument* under the Wollongong 2009 LEP (Heritage Map – Appendix 1).
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Act 2.16. Schedule Row 9	The land includes an easement for access (Appendix 2) to the favour of Venues NSW (WIN Entertainment Centre and Sports Stadium) that was a result of 2001 Land Transfer legislation (Appendix 1). **CU1.** The condition of the parking areas, shared way, footpaths and lawn/dune areas are good and maintained to a high standard.
Permitted Purposes, Development, Use or Activity (P) Section 36(3A) (b) LG Act See also **PoM Sections 2A – 2H,** especially note PoM section 2H. *Pom Permissibility – provides possible opportunity, not a commitment of resourcing.* 2.16. Schedule Row 10	**P1**. Implementing any Council adopted Masterplan (or any future Council adopted master plan) is permitted. **P2**. **Existing uses, developments, activities** can be: • r**ecommenced if ceased** managed public land) • **maintained**, • **upgraded** or • **discontinued**. **P3**. **New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the

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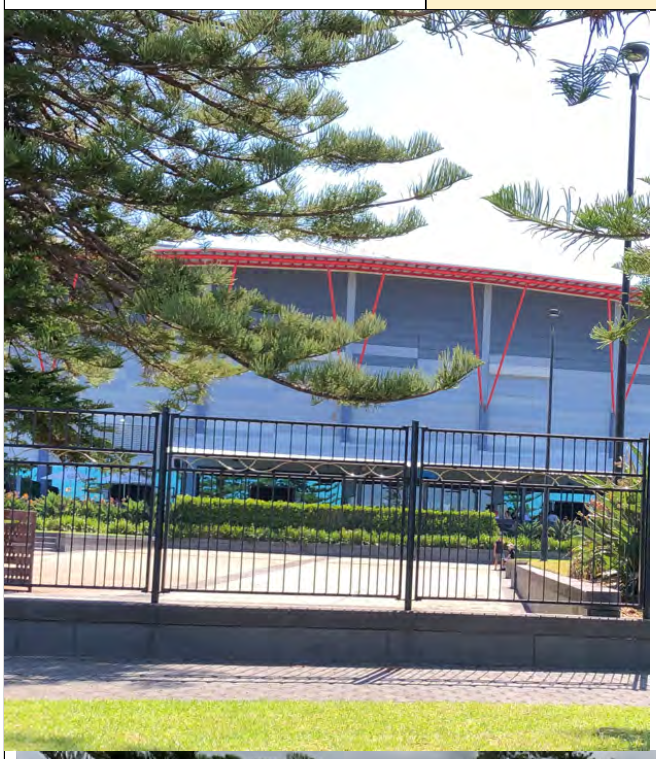
Council Land Area Name	**2.10 Former Quilkey Place – Council Community Land PoM Information Schedule -** This Council Land area adjoins three other Crown Reserves (Lang Park 580076 to the east, Andrew Lysaght Park 1000384 to the west and Wollongong Reserve Trust 84424 to the south)
	proposed new use, development, activity) is permitted.
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act 2.16. Schedule Row 11	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining a booking, licence or lease agreement with Council o obtaining development consent
Express authorisation of leases and licences and other estates 2.16. Schedule Row 12	Leases, Licenses and other estates **are expressly authorised under this PoM for permissible uses, developments and activities** listed in this Schedule and/or contained within the provisions that apply to all land under this PoM (sections 2A-2H).
Existing Tenures (T) – Type, Purpose, (Term), Licensee or Leasee 2.16. Schedule Row 13	There are no leases or licences over this land. The WEC Sport stadium may book the area in relation to events/games on a short-term casual basis
Management Objectives Section 36(3)(b) LG Act 2.16. Schedule Row 14	Core Objectives of the Community Land Categories of Park, General Community Use and Natural Area Foreshore (see Table 1)
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act 2.16. Schedule Row 15	**PT 1**. Parking areas, Lawn areas, shared way are maintained, upgraded or rationalised in accordance with any adopted Masterplan or adopted Delivery Program and Operational Plan to deliver Our Wollongong Our Future 2032 as they apply to the services, programs or capital improvements within the reserve in accordance with the reserve purpose.

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Council Land Area Name	**2.10 Former Quilkey Place – Council Community Land PoM Information Schedule -** This Council Land area adjoins three other Crown Reserves (Lang Park 580076 to the east, Andrew Lysaght Park 1000384 to the west and Wollongong Reserve Trust 84424 to the south)
	PT2. Future and Existing Recreational, Social, Community, and Environmental pursuits are successfully operating in line with Council policies, booking agreements, lease or licence terms, and development consents or review of environmental factors in the case of activities occurring in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.16. Schedule Row 16	o Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with Council's Resourcing Strategy under Our Wollongong Our Future 2032 o Ensure that booking, leasing and licensing of permissible uses, developments, and activities is current and in line with Council policies. o All legislative consents are obtained and maintained for uses, activities and development. o Manage the dune areas consistent with Council's natural area services functions and applicable legislation (Appendix 1)
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act 2.16. Schedule Row 17	• The rate at which any Council endorsed Masterplan is an assessment measure. • Tracking of the trends related to customer satisfaction provides an assessment measure for Council's management of this Crown reserve. Council's Community Satisfaction Survey is done on a regular basis independently and should be increasing over time.

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Council Land Area Name	**2.10 Former Quilkey Place – Council Community Land PoM Information Schedule -** This Council Land area adjoins three other Crown Reserves (Lang Park 580076 to the east, Andrew Lysaght Park 1000384 to the west and Wollongong Reserve Trust 84424 to the south)



The footpath in the photograph is part of the Council owned community land and the lands connection with Andrew Lysaght Rest Park and the WEC is shown. Below is a picture of the parking area that is the majority of the function of this land, although it does contain Norfolk Island pines, some dune area of City Beach and part of the Blue Mile shared way.



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Council Land Area Name	**2.10 Former Quilkey Place – Council Community Land PoM Information Schedule -** This Council Land area adjoins three other Crown Reserves (Lang Park 580076 to the east, Andrew Lysaght Park 1000384 to the west and Wollongong Reserve Trust 84424 to the south)





Example of the use of Quilkey Place during an event – the UCI in September 2022. The regulatory parking and event use signage and the directional tourist signage remain on the land.

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2.11 Crown Reserve Wollongong Reserve Trust Number 84424 PoM Information Schedule

Information Schedule Reserve Name and Number	2.11 Wollongong Reserve Trust Crown Reserve Number 84424 PoM Information Schedule



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Information Schedule Reserve Name and Number	2.11 Wollongong Reserve Trust Crown Reserve Number 84424 PoM Information Schedule

2.10. Schedule Row 1 – The Crown Reserve Map in this row shows the land area of the Crown Reserve.



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Information Schedule Reserve Name and Number	**2.11 Wollongong Reserve Trust Crown Reserve Number 84424 PoM Information Schedule**
2.10. Schedule Row 2 – The Crown Reserve Map in this row shows the Community Land Categories of the Crown Reserve.	
Community Land Categories 2.10. Schedule Row 3	General Community Use for the portion of the WIN Sports Stadium Ticket Box Park within the reserve. Park for the remaining, majority portion of the reserve.
Owner of the Land 2.10. Schedule Row 4	Crown Lands
Reserve purpose 2.10. Schedule Row 5	Public Recreation.
Gazettal date 2.10. Schedule Row 6	Gazettal date: 10 May 1963
Land parcel/s 2.10. Schedule Row 7	Whole: Lot 96 DP 751299 Parish Wollongong County Camden
Area (m^2) (Ha) 2.10. Schedule Row 8	556.09 m^2
LEP zoning 2.10. Schedule Row 9	SP3 Tourist
General Description of Improvements and Land Section 36(3A) (a) LG Act 2.10. Schedule Row 10	This land is south of the Andrew Lysaght Park Crown Reserve and adjoins the Council owned land that was once Quilkey Place road reserve. This Wollongong Reserve Trust Crown Reserve is improved by a part of the shared way for cyclists and pedestrians, a small lawn area and disabled parking and bitumen. Venues NSW managed Crown land (WIN Sports Stadium) adjoins this reserve on the southern boundary.
Existing Uses and Developments - **Condition and Use (CU)** of the land and any buildings or other improvements on the land. Section 36(3A) (a) LG Act 2.10. Schedule Row 11	**CU 1**. The cycleway is in excellent condition. **CU2**. The parking is in very good condition. **CU3.** A portion of the WIN Sports Stadium ticket box and Sports Stadium entry gate appears to be within the reserve, while the majority of the ticket box and almost all of the entry gate/fencing is contained on land managed by Venues NSW. The Venues NSW assets appear to be in fair condition. Venues NSW manages their land in accordance with the Sporting Venues Authorities Act 2008. Section 30AB of 2008 Act identify the scheduled lands as Crown land dedicated for the purpose of public recreation under the CLM Act.

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Information Schedule Reserve Name and Number	**2.11 Wollongong Reserve Trust Crown Reserve Number 84424 PoM Information Schedule**
	At the time of the construction of the WIN Stadium ticket box and Stadium entry gate/fencing, the Wollongong Sportsground Act 1986 was in force. Section 18 of the 1986 Act permits the carrying out of works outside trust lands for access to any of the trust lands or facilities or amenities for persons visiting any of the trust lands with the approval of the Minister and consent of the owner.
Permitted Purposes, Development, Use or Activity (P) Section 36(3A) (b) LG Act 2.10. Schedule Row 12	**P1**. Implementing the Blue Mile Masterplan (or any future Council adopted master plan) is permitted. **P2** Existing uses, developments, activities can be: • recommenced if ceased. • maintained, • upgraded or • discontinued. **P3 New uses, developments, activities** (community or commercial) consistent with Council policies, supporting documents (at the time of the proposed new use, development, activity) and consistent with the Crown reserve purpose(s) is permitted. See also **PoM Sections 2A – 2I (b),** for permissible purposes, development, use or activity that apply to the Crown reserve. Please note PoM section 2H. *Pom Permissibility – provides possible opportunity, not a commitment of resourcing.*
Scale and Intensity of Permitted Development, Use or Activity (S) Section 36(3A) (b) LG Act *See also **PoM Sections 2A – 2I (b),** especially **2F Express authorisation of leases and licences and other estates*** 2.10. Schedule Row 13	**S1.** Consistent with Council Policies, Council Supporting Documents in effect at the time of the proposal related to any permitted use, development or activity. **S2.** Consistent with the nature of the land and facilities on the land as evidenced by ability to achieve legislative compliance such as but not limited to: o obtaining development consent o obtaining a booking, licence or lease agreement with Council

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Information Schedule Reserve Name and Number	**2.11 Wollongong Reserve Trust Crown Reserve Number 84424 PoM Information Schedule**
Express authorisation of leases and licences and other estates 2.10. Schedule Row 14	Leases, Licenses and other estates **are expressly authorised under this PoM for permissible uses, developments and activities** listed in this Schedule and/or contained within the provisions that apply to all land under this PoM (sections 2A-2H) and the provisions that apply to Crown reserves under this PoM (section 2I). In addition, to expressly address the future management of a potential encroachment of the WIN Sports Stadium ticket box and entry gate/fencing on to Crown reserve 84424, is the following: Should any future survey of the boundary of the Venues NSW managed land verify an encroachment on to land within Crown reserve Number 84424, then it is permissible to grant a license for the encroachment. The ticket box and entry gate are ancillary development to facilitate and manage the access of the public onto the WIN Sports Stadium grounds. When the public participates or acts as a spectator to sporting events it is a use that is consistent with a public recreation purpose.
Existing Tenures Type, Purpose, (Term), Licensee or Leasee 2.10. Schedule Row 15	There are no existing tenures that are longer than a short-term casual use (i.e. wedding ceremony).
Management Objectives Section 36(3)(b) LG Act 2.10. Schedule Row 16	The management objectives are the core objectives of the community land categories that apply to the land. Refer to PoM Table 1 in section 1.4 for General Community Use, and Park.
Performance Targets (PT) to meet the Management Objectives Section 36(3)(b) LG Act	**PT 1**. Parking areas, Lawn areas, shared way are maintained, upgraded or rationalised in accordance with any adopted Masterplan or adopted Delivery Program and Operational Plan to deliver Our Wollongong Our Future 2032 as they apply to the services, programs or capital improvements within the reserve in accordance with the reserve purpose. **PT2**. Future and Existing Recreational, Social, Community, and Environmental pursuits are successfully operating in line with Council policies, booking

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Information Schedule Reserve Name and Number	2.11 Wollongong Reserve Trust Crown Reserve Number 84424 PoM Information Schedule
2.10. Schedule Row 17	agreements, lease or licence terms, and development consents or review of environmental factors in the case of activities occurring in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021.
How will we get there? Means of Achievement for Objectives and Targets Section 36(3)(c) LG Act 2.10. Schedule Row 18	**For Performance Target PT 1:** Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with Council's Resourcing Strategy under Our Wollongong Our Future 2032. **For Performance Target PT2:** Ensure that booking, leasing and licensing of permissible uses, developments, and activities is current and in line with Council policies. All legislative consents are obtained and maintained for uses, activities and development.
Manner of Assessment for Objectives and Targets **How do we know when we get there?** Section 36(3)(d) LG Act 2.10. Schedule Row 19	**For Performance Targets PT1-PT2**: • The rate at which any endorsed Masterplan and/or Conservation Management Plan is implemented is an assessment measure. • Tracking of the trends related to customer satisfaction provides an assessment measure for Council's management of this Crown reserve. Council's Community Satisfaction Survey is done on a regular basis independently and should be increasing over time.

APPENDIX 1 POM LEGISLATIVE FRAMEWORK

Local Government Act 1993

Section 35 of the *Local Government Act 1993* (LG Act) provides that community land can only be used in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

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Section 36 of the Act provides that a plan of management for community land must identify the following:

a) the category of the land,
b) the objectives and performance targets of the plan with respect to the land,
c) the means by which the council proposes to achieve the plan's objectives and performance targets,
d) the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,

and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

a) must include a description of:
   (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
   (ii) the use of the land and any such buildings or improvements as at that date, and
b) must:
   (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
   (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
   (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

a) a natural area
b) a sportsground
c) a park
d) an area of cultural significance
e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

a) bushland
b) wetland
c) escarpment
d) watercourse
e) foreshore
f) a category prescribed by the regulations.

Local Government (General) Regulation 2021 Guidelines for Categorisation

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. Councils are to have regard to the guidelines when preparing a draft plan of management. Please find below the guideline reference for the Park category as an example.

Park

Parks are defined in clause 104 of the LG (General) Regulation 2021 as land which is improved by landscaping, gardens or the provision of non-sporting equipment and

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facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others.

The core objectives for parks, as outlined in Section 36G of the LG Act, are to:

- encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.
- provide for passive recreational activities or pastimes and for the casual playing of games.
- improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the Minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46a and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the Minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the Minister administering the CLM Act.

Council plans and policies relating to this plan of management.

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM and strategically guide Council in relation to the service or activity or

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development that is the subject of the supporting document. Council has many supporting documents and strategies associated with our Community Strategic Plan – Our Wollongong Our Future 2032 to guide Council's management of community land and the provision of Council services, programs, and projects. As these supporting documents change in the future in accordance with Council resolutions this portion of this PoM will be administratively updated. Adherence to Council policies further safeguards community land for the benefit of current and future users. Table 1 lists Council Supporting Documents and Table 2 lists Council Policies.

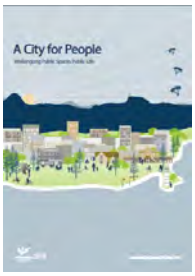
Table 1 – Appendix 1 - Council Supporting Documents

Supporting Document	The Supporting Document guides strategic planning, use, protection, maintenance, upgrades, new infrastructure for:
	**Play spaces** – both traditional playgrounds and natural focused play spaces. *Link:* *Play-Wollongong-Strategy-2014-2024*
	**Sportsgrounds** – all types of playing fields and sports facilities. *Link: Sportsgrounds-and-Sporting-Facilities-Strategy-2023-2027*
 	**Social Infrastructure -** all types (including hard and soft social infrastructure) from community centres to surf clubs to libraries and the organisations that use them. The planning framework developed in 2018 has been applied to develop the 2023 future directions plan for Council foundation social infrastructure: libraries, community centres/halls and cultural facilities. It does not address supporting social infrastructure – facilities that are licensed to a specific community group or sporting groups. *Links:* *Places-for-People-Social-Infrastructure-Planning-Framework* *Places-for-the-Future-Social-Infrastructure-Future-Directions-Plan-2023-2036*

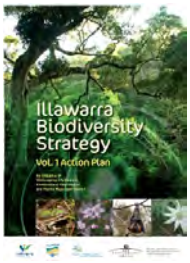
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Supporting Document	The Supporting Document guides strategic planning, use, protection, maintenance, upgrades, new infrastructure for:
	**Pools** – Not Heated, Heated and Ocean – The Continental Pool and the Gentlemen's Rock Pool are within the Wollongong City Foreshore Plan of Management Area and are also included in this Council Supporting Document that sets strategic goals and priorities for Council pools. *Link:* *Future-of-Our-Pools-Strategy-2014-2024*
	**Animating Wollongong - Public Art Strategy 2022-2032** *Link:* *Animating Wollongong - Public Art Strategy 2022-2032*
	**Public Toilets** on Council managed land. *Link:* *Public-Toilet-Strategy-2019-2029*
	**Heritage listed Items** on Council managed land (areas and buildings). *Link:* Wollongong-Heritage-Strategy-2023-2027
	**Cycleways and Shared Paths** - many of these are on community land as well as road or road reserve. Adopted on 11 November 2020. *Link:* *Wollongong-Cycling-Strategy-2030* In addition the 2024, Draft Wollongong Integrated Transport Strategy includes strategies to make biking and walking more attractive for all abilities

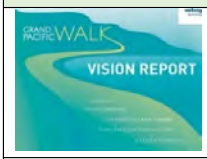
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Supporting Document	The Supporting Document guides strategic planning, use, protection, maintenance, upgrades, new infrastructure for:
 	**A City for People** applies to the Wollongong City Centre which does include many parks and sportsground but is primary about privately owned land. It is a visionary document that will inform an amendment to the Wollongong LEP 2009 and the Wollongong 2009 Development Control Plan under the Environmental Planning and Assessment Act 1979. In September 2020 Council endorsed the Wollongong City Centre Urban Design Framework which follows upon the City for People's vision with design principles for the centre. *Links:* A City for People, Wollongong Public Spaces Public Life Wollongong-City-Centre-Urban-Design-Framework.pdf
 	**Expressions of our arts culture, community connectedness and times of celebration** *Link:* Creative-Wollongong-2024-2033.pdf Wollongong-Major-Events-Strategy-2021-2026.pdf
	**Organise an Event** Council has already development consent ready event sites. There is information on Council's website explaining how to apply to hold an event in the Wollongong Local Government Area. *Link: organise-an-event*
 	**Council's Role in creating a Sustainable Wollongong** The Sustainable Wollongong 2030, Climate Change Mitigation Plan 2023-2030 and the Climate Change Adaption Plan 2022 guide the management of buildings, land and people in the response to climate change. *Links:* *Sustainable-Wollongong-2030* Climate-Change-Mitigation-Plan-2023-2030-Summary.pdf *Climate-Change-Adaptation-Plan 2022*

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Supporting Document	The Supporting Document guides strategic planning, use, protection, maintenance, upgrades, new infrastructure for:
	
	**Council's Natural Assets as they relate to our region** (The Illawarra Biodiversity Strategy was a grant funded partnership plan with Shellharbour and Kiama). *Links:* *Illawarra-Biodiversity-Strategy-Volume-1* *Illawarra-Biodiversity-Strategy-Volume-2*
	**Council's Natural Assets in the Illawarra Escarpment** *Link:* *Illawarra-Escarpment-Strategic-Management-Plan-2015*
	**Tree and plants across the Wollongong Local Government Area** *Link:* *Urban-Greening-Strategy-2017-2037*
	**Improving access to Council services and assets by persons with a Disability** Council has a key role to support the creation of an inclusive city, meeting its obligations under the NSW Disability Inclusion Act 2014. *Link: Disability Inclusion Action Plan 2020-2025*
	**Supporting people with a range of disabilities to access our beaches and foreshores**. Improved access for people with a disability also means improved access for everyone including parents with prams and people with limited mobility. *Link:* Beach and Foreshore Access Strategy 2019 - 2028
	The path of the Grand Pacific Walk – it traverses along the entire LGA coastline. The Grand Pacific Walk (GPW) will run from the southern end of the Royal National Park to Lake Illawarra,

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Supporting Document	The Supporting Document guides strategic planning, use, protection, maintenance, upgrades, new infrastructure for:
	providing an active transport connection to suburbs in our north with those in our south The GPW is a long-term project *Link:* *Grand-Pacific-Walk-Vision-Report 2013*
Vegetation Management Plans	**Areas in need of targeted vegetation management and planning.** Vegetation Management Plans can be created as a result of development consent conditions or a result of a Council plan or strategy. VMPs are often developed for areas of high community use like our patrolled beaches or of high environmental value such as riparian or wildlife corridors. These plans often guide actions on community land by volunteers, Council staff or contractors.
	**Economic Development Strategy 2019 – 2029** "*Building a strong, diversified economy is a priority …high-quality jobs that will retain and attract young people and university graduates. It will enhance the regions centres and public spaces and offer interesting cultural and recreational experiences that will increase the appeal of the region… to live, work and invest*." *Link:* *Wollongong-City-Council-Economic-Development-Strategy-2019-2029*
 *2017 Links* *Wollongong CZMP Study 2017* *2017 Action-Plan*	The **Wollongong Coastal Zone Study** identified the coastal hazards and the areas potentially impacted by climate change between 2010 and 2100. The **Wollongong Coastal Zone Management Plan** used the hazards assessment to identify and evaluate the risks associated with on-going coastal processes. In early 2022, Council began Stage 1 of the multi-year process to prepare a new Wollongong Coastal Management Program (CMP), in accordance with the NSW Coastal Management Framework, which will ultimately replace the Coastal Zone Management Plan. Stage 1 involved scoping the project and has resulted in a Scoping Study that sets the direction for the CMP. Stage 2 is underway, which involves a range of technical studies to fill the data gaps and inform the preparation of the CMP. *Wollongong Coastal Management Program Scoping Studies Develop CMP Project Progress 2022 to 2025* 

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Supporting Document	The Supporting Document guides strategic planning, use, protection, maintenance, upgrades, new infrastructure for:
	**South Wollongong Future Strategy 2017** Provides a snapshot of the area and options for the community to consider as guides for the area's future growth. *Link: South Wollongong Future Strategy 2017*
	**Wollongong Community Safety Plan 2021-2025** The 5 areas of focus under the Safety plan are: 1. Property and Environment – Malicious damage including graffiti 2. Gendered violence – Domestic assault 3. Anti-social behaviour – assault non-domestic (alcohol related) and anti-social behaviour (ASB) including intimidation, stalking and harassment 4. Personal property – fraud, steal from a motor vehicle, motor vehicle theft 5. Perceptions – perceived and actual community safety. *Link: Wollongong-Community-Safety-Plan-2021-2025*
	 Stuart-Park-and-JP-Galvin-Park-Landscape-Master-Plan.pdf

Table 2 – Appendix 1 - Council Policies

Council Policy Name/ Link to Document on Council Website	Year
Allocation of Community Facilities to Community Groups	**2017**
Asbestos-Management	**2023**
Asset-Management Policy	**2022**
CCTV Policy and Code of Practice	**2022**
Civil Works Notification	**2018**
Clothing Collection Bins on Council Land	**2024**
Commercial-Fitness-Training-Activities-on-Public-Open-Space	**2022**
Commercial-Surf-School-Activities-on-Foreshore-Public-Open-Space	**2022**

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Council Policy Name/ Link to Document on Council Website	Year
Community and Sporting Group Rentals	**2024**
Community Recognition Program	**2024**
Community-Engagement-Strategy	**2024**
Community-Participation-Plan for Planning Matters	**2023**
Compliance and Enforcement	**2022**
Council Property Management - Hardship Assessment Framework	**2017**
Dogs on Beaches and Parks	**2024**
Electric-Vehicle-Charging-Infrastructure-on-Council-Land	**2023**
Encroachment Policy	**2024**
Establishment and Maintenance of Alcohol-Free Zones on Public Roads and Footpaths	**2024**
Glass-Free-Recreation-Areas.pdf	**2024**
Graffiti Management	**2023**
Leasing-and-Licencing	**2023**
Management of Community Halls, Community Centres, Senior Citizens Centres and Neighbourhood Centres	**2022**
Managing-Conflicts-of-Interest-for-Council-Related-Development	**2023**
Outdoor Dining	**2022**
Planning-Agreements Policy.pdf	**2023**
~~*Public-Art -*~~	~~**2016**~~
Reduction or Waiver of Hire Fees for Community Rooms and Halls under the Direct Control of Council	**2022**
Request for Owners Consent for Development Proposals on Council Owned or Managed Land	**2017**
Risk Management Framework	**2023**
Shared-Sportfields	**2022**
Smoke-free-Recreation-Areas	**2022**
Sponsorship of Council Activities	**2024**

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Council Policy Name/ Link to Document on Council Website	Year
Sustainable Procurement Policy	**2020**
Unsolicited Proposals	**2023**
Volunteer Management	**2023**
Wollongong DCP 2009 - Chapter C6 - Events management	**2010**
Wollongong DCP 2009 Chapter E12 Geotechnical Assessment of Slope Instability	**2021**
Wollongong Local Environmental Plan 2009	**2025**
Wollongong-CBD-Night-Time-Economy Policy.pdf	**2023**
Wollongong-DCP-2009-Chapter-E10-Aboriginal-Heritage	**2010**
Wollongong-DCP-2009-Chapter-E11-Heritage-Conservation	**2010**
Wollongong-DCP-2009-Chapter-E13-Floodplain-Management	**2020**
Wollongong-DCP-2009-Chapter-E14-Stormwater-Management	**2020**
Wollongong-DCP-Chapter-E16-Bush-Fire-Management.pdf	**2024**
Wollongong-DCP-2009-Chapter-E17 Preservation and Management Trees and Vegetation	**2023**
Wollongong-DCP-2009-Chapter-E18-Native-Biodiversity-Impact-Assessment	**2023**
Wollongong-DCP-2009-Chapter-E19-Earthworks-Land-Reshaping-Works.pdf	**2018**
Wollongong-DCP-2009-Chapter-E20-Contaminated-Land-Management	**2018**

Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as appointed Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible

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with its purpose – for example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

Please find a link to the NSW Legislation website for more information.

CLM Act Legislation Link

Council has provided section 2.23 here for reference as 2.23(2) confers that Council may provide "deemed consent" as landowner on behalf of the Minister to the lodgement of development applications for assessment in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) in some circumstances. Administratively this provision allows for quicker processing times of development applications. Without this provision, referral to Crown Lands is required to obtain the landowners consent to lodge a development application. This typically increases the amount of time it takes to lodge an application. Land Owner's consent in this context is not approving the activity or development it is only permitting an assessment under the EP& Act to be able to be undertaken. Assessment may result in a withdrawl of the application, a denial of the application or an approval with consent conditions.

"Deemed consent" is a useful administrative convention, that Council, through this PoM (see PoM section 2l), is seeking Ministerial approval to extend to lodging applications required under Section 68 of the LG Act.

The intent is to prevent a circumstance where Council can provide "deemed owners consent" to allow a development application to be lodged but currently, if a related LG Act section 68 approval is also required (for the same proposed activity or development contained in the development application) – that LG Act 68 application is required to be referred to Crown lands for owner's consent to lodge the section 68 activity approval

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application. In addition, often a LG 68 application is required to be lodged to carry out an activity that does not require development consent under the EP&A Act. Council's inability to apply "deemed consent" provisions to the lodgement of LG Act section 68 applications prolongs the assessment process and the determination (approval or denial) unnecessarily. A LG Act section 68 approval is required for "amusement rides" on any land and for "engaging in a trade or business" on community land.

2.23 Minister taken to give consent for certain development applications over dedicated or reserved Crown land

(1) This section—

(a) applies in relation to dedicated or reserved Crown land for the purposes of the *Environmental Planning and Assessment Act 1979* (and any instrument made under that Act), and

(b) has effect despite anything in that Act (or any instrument made under that Act).

(2) The Minister is taken to have given written consent on behalf of the Crown (as the owner of dedicated or reserved Crown land) for its Crown land manager or the holder of a lease or licence over the land to make a development application relating to any of the following kinds of development—

(a) without limiting paragraph (g), the repair, maintenance, restoration or renovation of an existing building on the land if it will not do any of the following—

(i) alter the footprint of the building by adding or removing more than one square metre (or any other area that may be prescribed by the regulations),

(ii) alter the existing building height by adding or removing one or more storeys,

(iii) involve excavation of the land,

(b) the erection of a fence approved by the manager, or the repair, maintenance or replacement of a fence erected with the manager's approval,

(c) the use of the land for any of the following purposes—

(i) a purpose for which the land may be used under this Act,

(ii) a purpose for which a lease or licence has been granted under this Act,

(d) the erection of signage approved by the manager, or the repair, maintenance or replacement of signage erected with the manager's approval,

(e) the erection, repair, maintenance or replacement of a temporary structure on the land,

(f) the installation, repair, maintenance or replacement of services on the land,

(g) the erection, repair, maintenance or replacement of any of the following on the land—

(i) a building or other structure on the land permitted under the lease,

(ii) a toilet block,

(iii) a structure for the protection of the environment,

(h) the carrying out on the land of any other development of a kind prescribed by the regulations or permitted under a plan of management for the land.

(3) Subsection (2) does not apply in relation to any development that involves any of the following—

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(a) the subdivision of land,

(b) the carrying out of development of a kind excluded by the regulations.

(4) Any regulations made for the purposes of subsection (3) (b) may exclude the whole or any part of a kind of development specified by subsection (2).

(5) To avoid doubt, the Minister's consent on behalf of the Crown (as the owner of dedicated or reserved Crown land) to lodgement of a development application in respect of that land is required for the carrying out of any development to which subsection (2) does not apply.

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs).

On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs). The Regulation for the EP& Act is the Environmental Planning and Assessment Regulation 2021 - NSW Legislation .

See Table 2 Appendix 1 Council Policies for more information on Wollongong 2009 LEP and some key Council DCPs.

State Environmental Planning Policy (Transport & Infrastructure) 2021

This planning policy lists development allowed with consent or without consent on community land. The SEPP (Transport and Infrastructure) 2021 enables some developments and activities undertaken by Council to not require a Development Application. Instead, a review of Environmental Factors would detail how the work could be safely constructed and occupied – similar to the consent conditions if a development application was required.

Not all of Councils improvements to land it manages can be completed through the Transport and Infrastructure SEPP 2021 and often Council is required to lodge development applications to undertake activities, especially if the land has heritage value or has high biodiversity values. The Wollongong Local Planning Panel determines Council's development applications under the EP&A Act.

Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal peoples in NSW. It recognises the need of Aboriginal peoples for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable. The Act seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

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Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Housing and Industry is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, all Crown reserves within the Wollongong Local Government Area are affected by an undetermined Aboriginal land claim. Council has considered the claim(s) in development of this plan of management.

The management of Crown land can be impacted by the *Aboriginal Land Rights Act 1983* (NSW).

Native Title Act 1993

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth *Native Title Act 1993* (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water, by providing access to the land and if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

The management of Crown land can be impacted by the *Native Title Act 1993* (Cth).

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

The NT recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

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a) granting leases, licences, permits, forestry rights, easements or rights of way over the land

b) mortgaging the land or allowing it to be mortgaged

c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land

d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

For further information about native title and the future acts framework see the Crown lands website.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park. Aboriginal Places are declared and managed in accordance with this legislation. This legislation also applies to the management of Aboriginal objects within or outside of a declared Aboriginal Place. Aboriginal Objects are known to be present on various land parcels under this PoM and may be present in unknown locations.

The objects of this Act are as follows—

a. the conservation of nature, including, but not limited to, the conservation of -
   i. habitat, ecosystems and ecosystem processes, and
   ii. biological diversity at the community, species and genetic levels, and
   iii. landforms of significance, including geological features and processes, and
   iv. landscapes and natural features of significance including wilderness and wild rivers,

b. the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including, but not limited to—
   i. places, objects and features of significance to Aboriginal people, and
   ii. places of social value to the people of New South Wales, and
   iii. places of historic, architectural or scientific significance,

c. fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation, providing for the management of land reserved under this Act in accordance with the management principles applicable for each type of reservation.

(2) The objects of this Act are to be achieved by applying the principles of ecologically sustainable development.

(3) In carrying out functions under this Act, the Minister, the Chief Executive and the Service are to give effect to the following—
   i. the objects of this Act,
   ii. the public interest in the protection of the values for which land is reserved under this Act and the appropriate management of those lands.

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Coastal Management Act 2016

The *Coastal Management Act 2016* (the Act) establishes a strategic framework and objectives for managing coastal issues in NSW. The Act promotes strategic and integrated management, use and development of the coast for the social, cultural, and economic wellbeing of the people of NSW. The objects of the Coastal Management Act 2016 as set out in legislation follow:

The objects of this Act are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State, and in particular—

(a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and
(b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and
(c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and
(d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and
(e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and
(f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and
(g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and
(h) to promote integrated and co-ordinated coastal planning, management and reporting, and
(i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and
(j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and
(k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and
(l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and
(m) to support the objects of the Marine Estate Management Act 2014.

Coastal Management Programs can include strategies to manage coastal hazards. The Coastal Management Act 2016 defines coastal hazard as any of the following:

- beach erosion,
- shoreline recession,
- coastal lake or watercourse entrance instability,
- coastal inundation,
- coastal cliff or slope instability,
- tidal inundation,

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- erosion and inundation of foreshores caused by tidal waters and the action of waves, including the interaction of those waters with catchment floodwaters

In early 2022, Council began Stage 1 of the multi-year process to prepare a new Wollongong Open Coast Coastal Management Program (CMP) under the Coastal Management Act 2016 and in accordance with the NSW Coastal Management Framework, which will ultimately replace the 2017 Coastal Zone Management Plan that was prepared under legislation repealed by the Coastal Management Act 2016.

The preparation of the Wollongong Open Coast Coastal Management Program involves five stages:

Stage 1: Identify the scope of the CMP

Stage 2: Determine risks, vulnerabilities, and opportunities

Stage 3: Identify and evaluate options

Stage 4: Prepare, exhibit, finalise, certify, and adopt the CMP

Stage 5: Implement, monitor, evaluate and report

Council is currently in Stage 2 as of late 2024. Council is undertaking studies to determine risks, vulnerabilities and opportunities at the time of making the Wollongong City Foreshore Plan of Management.

The future Wollongong Open Coast Coastal Management Plan (CMP) will identify coastal management issues and actions for the Wollongong open coast, balancing priorities for environmental, cultural, recreational and commercial values, along with adaptation to emerging issues such as sea-level rise and a changing population.

The future CMP will detail how and when those actions are to be implemented, their costs, how they will be funded and by whom. The preparation of the CMP must be prepared in accordance with the NSW government framework that includes meeting the obligations under NSW Coastal Management Act 2016 and the five stages (outlined above) in accordance with the NSW Coastal Management Manual.

The framework also specifies the roles and responsibilities for relevant Ministers, the NSW Coastal Council, public authorities and local councils, as well as providing opportunities for communities to participate when preparing and implementing a CMP.

Information on the development of the Wollongong Open Coast Coastal Management Plan can be found on Council's website at the following link:

Wollongong Coastal Management Program Scoping Studies Develop CMP Project Progress 2022 to 2025

Coastal Crown Land Guidelines and Wollongong Open Coastal Management Plan Development

Council will have regard to the Coastal Crown Land Guidelines issued by DPHI - Crown Lands in October 2023 (Coastal Crown Land Guidelines) as it follows the NSW Coastal Management Framework to prepare the Wollongong Open Coast Coastal Management Program under the Coastal Management Act 2016. The 5 Key principles of the Coastal Crown Land Guidelines are as follows:

1. **Crown land management should align with Coastal Management Programs (CMPs)**

   1.1. Any CMP being prepared by a council in accordance with the *Coastal Management Act 2016*, should be referred to the department in draft form at key stages of its development and before the CMP is adopted by council.

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1.2. Any CMP that proposes actions or activities to be carried out by the department or that proposes actions that relate to or affect Crown land, must be formally agreed to by the department before the CMP is submitted for certification.

1.3. If the department has agreed to a CMP action under the provisions of the Coastal Management Act, it is likely that it is broadly consistent with the objects of the *Crown Land Management Act 2016*. This means that the department's consideration of any directly related dealing or authorisation under the *Crown Land Management Act 2016* will be streamlined.

1.4. Dealings and approvals under the *Crown Land Management Act 2016* or the *Roads Act 1993* for coastal Crown land must have regard to and should be consistent with any relevant CMP. It is noted that the Department's website FAQ states that "*Current tenures are not affected. The guidelines ensure that coastal risk is identified before tenures are issued and/or renewed, so that appropriate decisions can be made*."

1.5. Any plan of management prepared with respect to coastal Crown land:

(a) must have regard to any relevant CMP, or in the absence of a CMP, the objects of the Coastal Management Act.

(b) should consider the coastal hazard and climate change risks that are relevant to coastal Crown land

It is noted this PoM meets guideline principle 1.5 through the existing 2017 Wollongong Coastal Zone Management Study and Action Plan and any future plan under the Coastal Zone Management Act 2016

2. **Coastal hazard risks should be considered when issuing tenures over coastal Crown land**

2.1. Any significant risks posed by coastal hazards, both now and in the future, including risks from climate change, should be considered before a tenure, for example a lease, license, permit or easement, is issued over coastal Crown land.

2.2. The terms and conditions of all tenures -including renewals over coastal Crown land are to be commensurate with the level of risk posed by coastal hazards, both now and in the future, including risks from climate change.

3. **Coastal protection works on coastal Crown land on the open coast, should be low impact or non-structural, where feasible or practicable**

3.1. Low impact or non-structural measures that restore or enhance natural defences, for example foreshore realignment, dune or foreshore reshaping, beach scraping, vegetation management and habitat restoration, should be considered in the first instance to mitigate risks from coastal hazards.

3.2. Structural coastal protection works wholly or partly located on coastal Crown land on the open coast may only be considered if low impact or non-structural measures are not feasible or effective and only then if they are consistent with a relevant CMP.

4. **Private structural coastal protection works on the open coast should be wholly located within the boundaries of the property the works are intended to protect**

4.1. Private structural coastal protection works on the open coast should be contained wholly within the proponent's private freehold land unless extenuating circumstances apply.

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4.2. Private structural coastal protection works, wholly or partly located on coastal Crown land, will only be considered when extenuating circumstances apply, that is, where

(a) low impact or non-structural measures are not feasible or effective (refer Principle 3)

(b) they are consistent with a relevant CMP (refer Principle 1)

(c) historic, legacy issues will be addressed by the works

(d) there is a substantial public and/or environmental benefit to be derived from the works.

4.3. Landowner's consent that is being sought by a private proponent for a development application for structural coastal protection works, wholly or partly on Crown land on the open coast, will only be considered if the following conditions are met to the satisfaction of the department:

(a) the proponent can satisfy the conditions in clause 4.2

(b) the proponent agrees to enter into a deed of agreement which may cover, amongst other things, agreement to enter a tenure(s) subject to certain conditions and the creation of easements

(c) the proponent agrees to meet all the department's costs in relation to the deed of agreement

(d) the proponent agrees to pay all necessary costs for designing, seeking approval and constructing coastal protection works, including compensation for creation of easements and any other matter necessary to facilitate the structure for example, community engagement, Native Title compensation, Indigenous Land Use Agreements, section 24FA protection under the Native Title Act 1993 (Cth).

(e) the proponent agrees to indemnify the State of NSW from all liabilities associated with the works.

5. **Non-Commercial dredging on coastal Crown land should be in the broader public and/or environmental interest**

5.1. The department may consider applications for non-commercial dredging works and/or undertake dredging, as required, to maintain navigation channels and harbour entrances, and/or to meet environmental, coastal management and beach renourishment needs.

5.2. Dredging works must have regard to and should be consistent with any relevant coastal management program.

5.3. Where the department has provided an approval for or undertaken non-commercial dredging in active marine margins, the spoil should, within practical limits, be returned for use within the active marine area of the coastal sediment compartment, with the highest priority accorded to use where beach nourishment is identified as an action in a relevant coastal management program.

Climate Change Supporting Documents and Wollongong Open Coast Coastal Management Plan

Finally, climate change is a factor in coastal land management, so please also refer to Table 1 in this Appendix 1 for information on Council's existing supporting documents on

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climate change and coastal land management. The relevant Supporting documents within Table 1 are:

- Sustainable Wollongong 2030
- Climate Change Mitigation Plan 2023 – 2030
- Climate Change Adaptation Plan 2022
- Wollongong CZMP Study 2017 and 2017 Action-Plan
    - The 2017 Wollongong CZMP and Action Plan is to be replaced by the Wollongong Open Coast Coastal Management Plan (CMP) currently being prepared under the Coastal Management Act 2016.

Biodiversity Conservation Act 2016

Note: This Act repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001*, and the animal and plant provisions of the *National Parks and*

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna.

The *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 201*6. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect. For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

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Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage. State Heritage Items are to be managed in accordance with this legislation and its regulations, including minimum standards of care. Link: Heritage Act 1977

The objects of this Act are as follows -

a. to promote an understanding of the State's heritage,

b. to encourage the conservation of the State's heritage,

c. to provide for the identification and registration of items of State heritage significance,

d. to provide for the interim protection of items of State heritage significance,

e. to encourage the adaptive reuse of items of State heritage significance,

f. to constitute the Heritage Council of New South Wales and confer on it functions relating to the State's heritage,

g. to assist owners with the conservation of items of State heritage significance.

When an interim heritage order or listing on the State Heritage Register applies to a place, building, work, relic, moveable object, precinct or land, a person will need an approval under this Act to do certain things like, but not limited to, demolish a building, carry out any development on the land, (see section 57 of the Act) Under this Act the Minister can make interim heritage orders for items of State or local heritage significance. Council also has delegation to issue interim heritage orders under certain circumstances.

Within the PoM area there are Items of State Heritage Value and of Local Heritage Value and are mapped in the following Heritage Maps listed below:

- Wollongong Harbour Precinct – State Heritage Listing 01823 – Heritage Map 1

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- North Beach Precinct – State Heritage Listing 01737 – Heritage Map 2
- Heritage State/Local - Stuart Park to Battery Park – Heritage Map 3
- Heritage State/Local - Tramway, Osborne Park, Belmore Basin – Heritage Map 4
- Heritage Local – North Beach Precinct and Belmore Basin Heritage Conservation Area" under the Wollongong LEP – Heritage Map 4a
- Heritage State/Local - Lang Park to Andrew Lysaght Rest Park – Heritage Map 5

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Wollongong Harbour Precinct – State Heritage Listing 01823 – Heritage Map 1



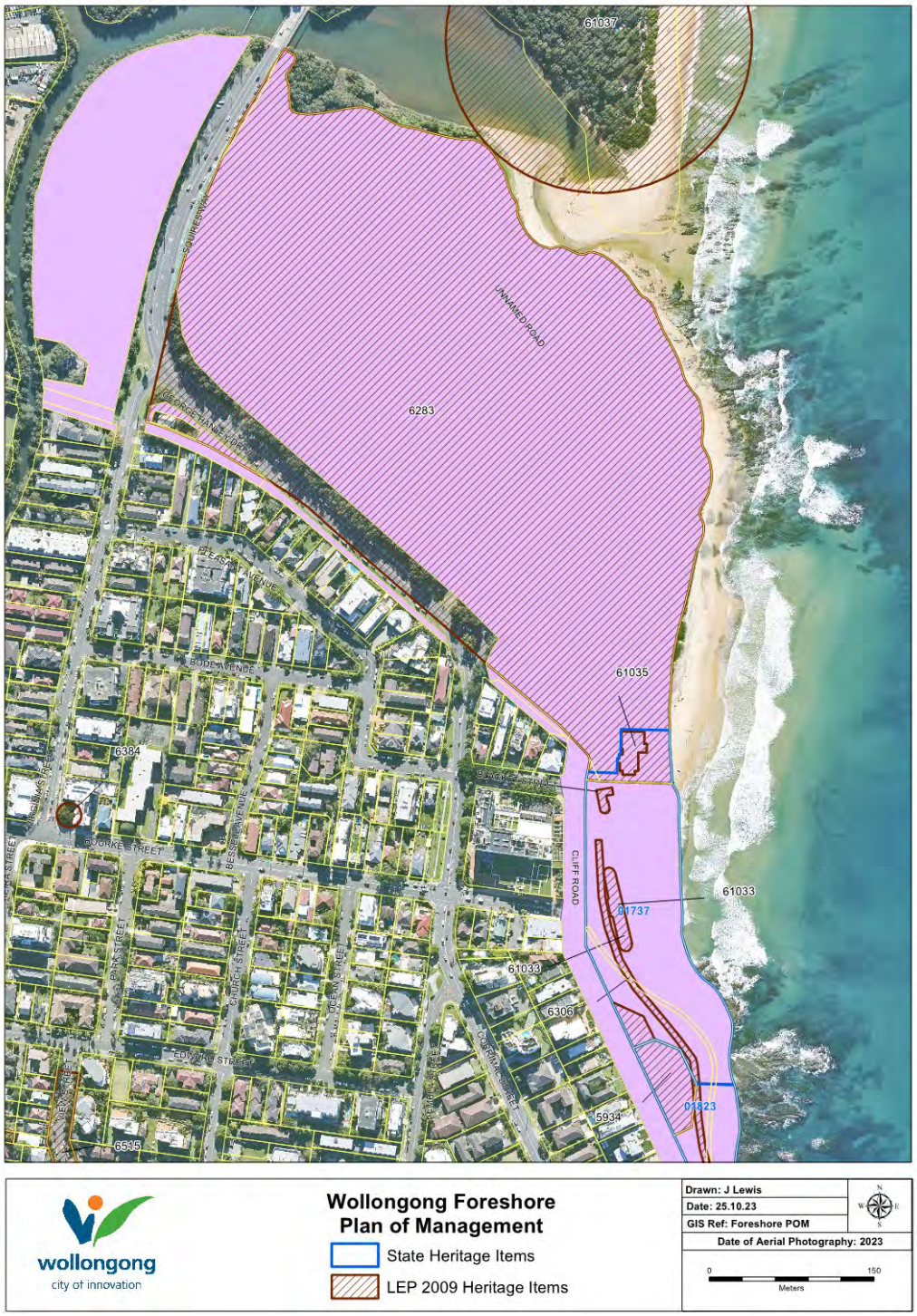
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North Beach Precinct – State Heritage Listing 01737 – Heritage Map 2



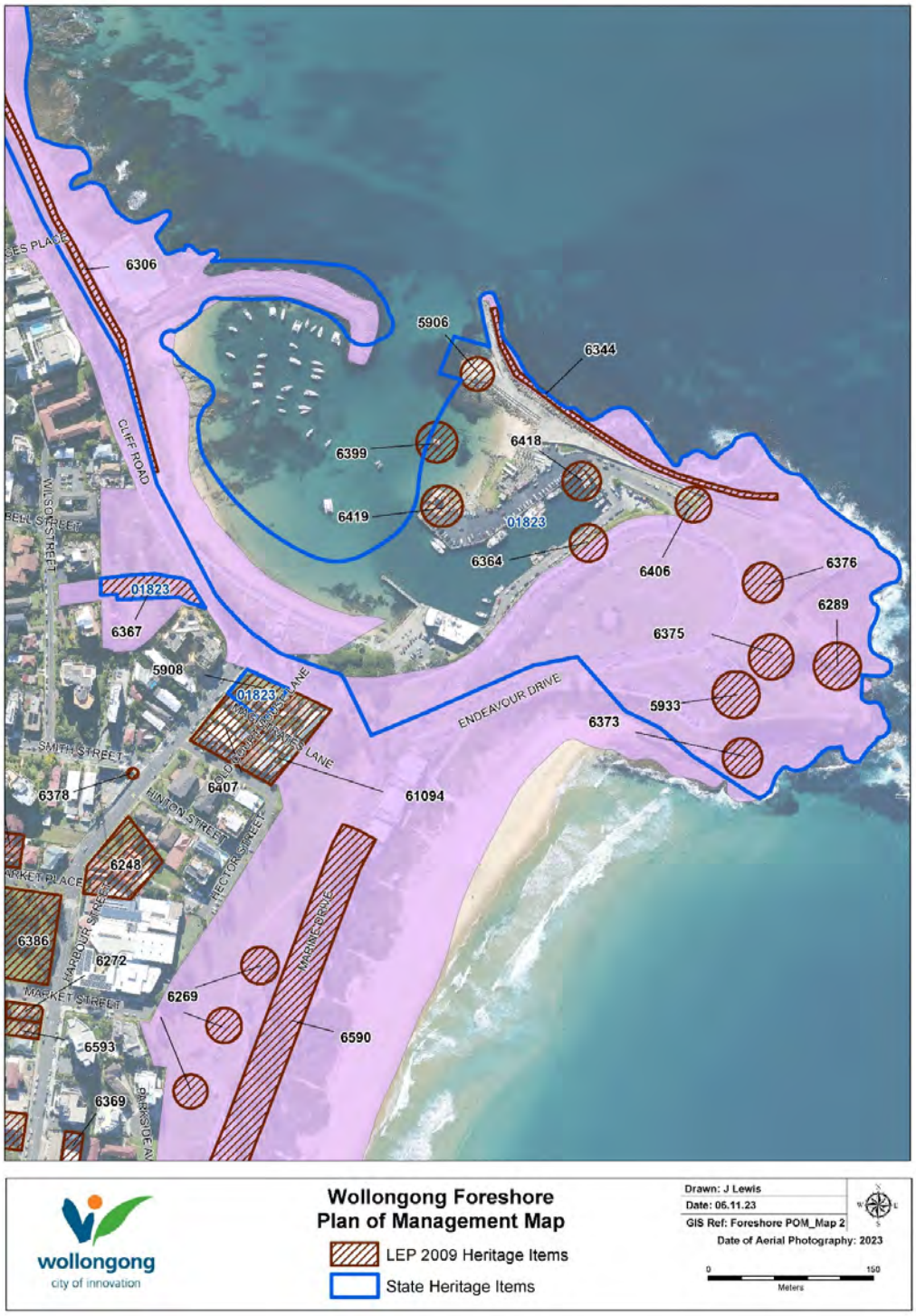
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Heritage State/Local - Stuart Park to Battery Park – Heritage Map 3



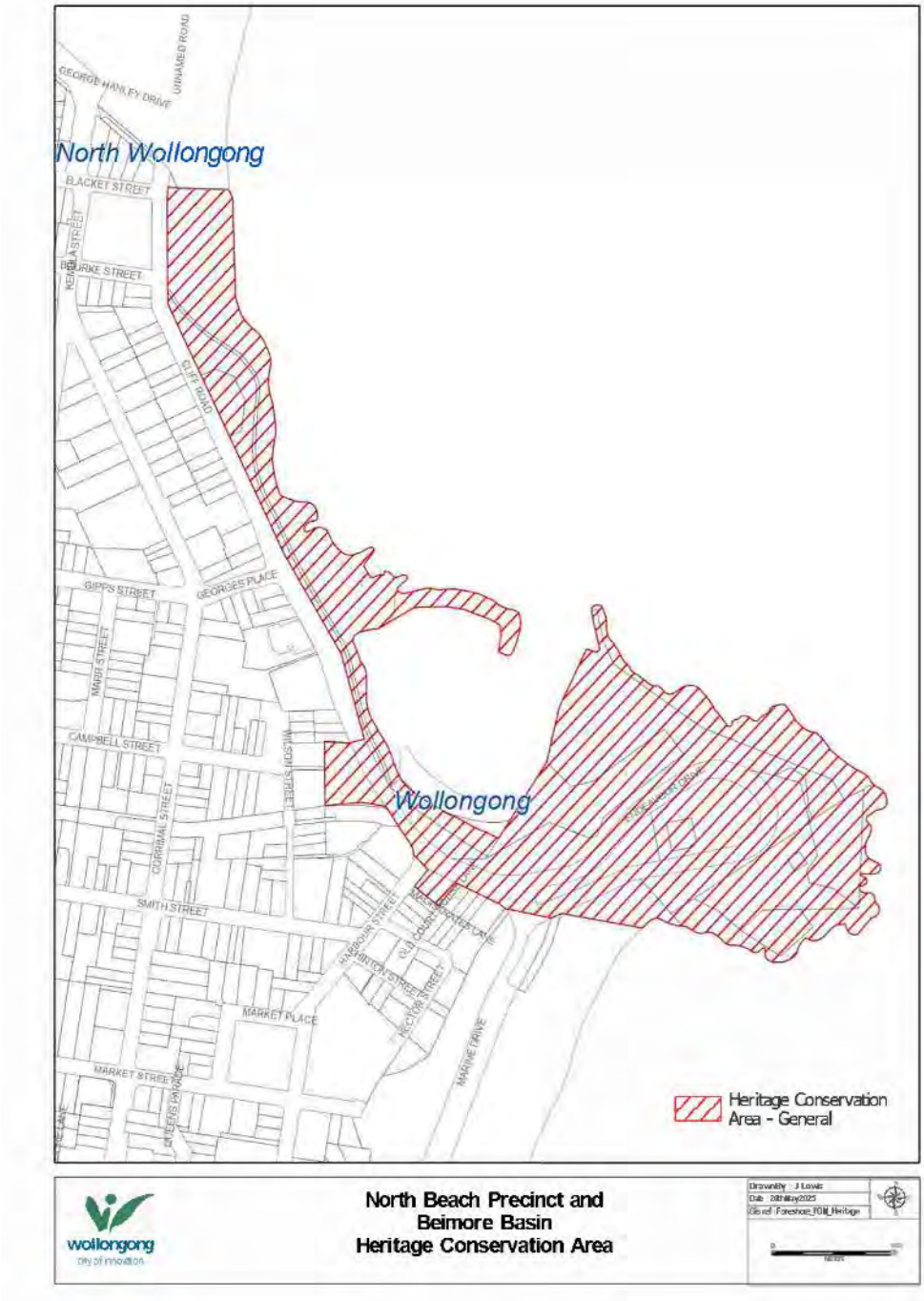
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Heritage State/Local - Tramway, Osborne Park, Belmore Basin – Heritage Map 4



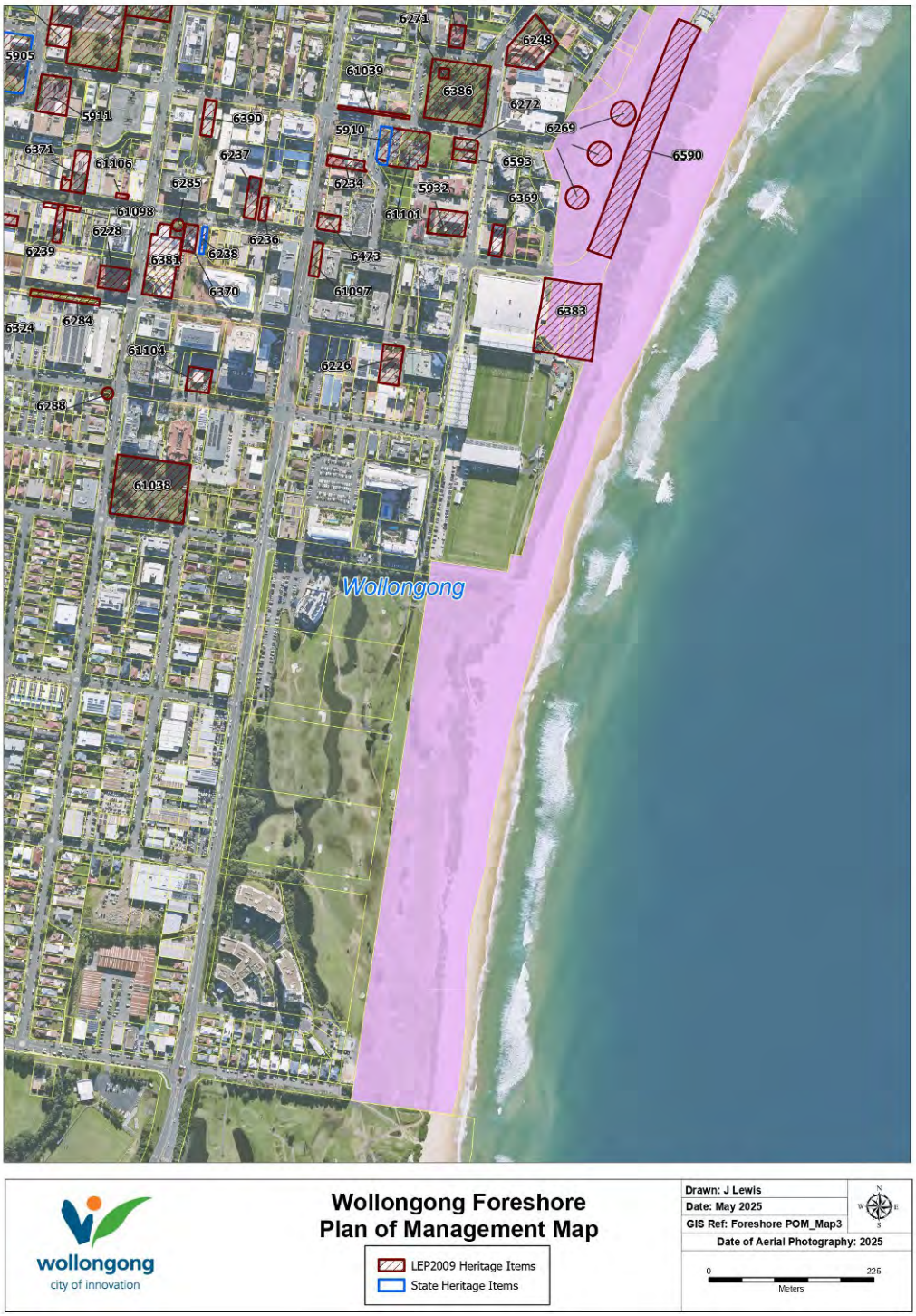
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Heritage Local – North Beach Precinct and Belmore Basin Heritage Conservation Area" under the Wollongong LEP – Heritage Map 4a



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Heritage State/Local - Lang Park to Andrew Lysaght Rest Park – Heritage Map 5



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Environmental Protection and Biodiversity Conservation Management Act 1999

This Commonwealth legislation enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Commonwealth legislation provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

Other relevant legislation, policies, and plans

Biosecurity Act 2015

Catchment Management Authorities Act 2003

Companion Animals Act 1998

Disability Discrimination Act 1992

Local Land Services Act 2013

Operations Act 1997

Pesticides Act 1999

Protection of the Environment Operations Act 1997

Retail Leases Act 1994

Soil Conservation Act 1938

NSW Invasive Species Plan 2008-2015

National Local Government Biodiversity Strategy

NSW Biodiversity Strategy

Enacted Legislation No Longer in Force Related to Crown Reserve Andrew Lysaght Park Number 1000384

The legislation described below provides information relative to the public purposes of the land contained in Crown Reserve Andrew Lysaght Park Number 1000384.

The Old Roman Catholic Cemetery Crown Street Wollongong Act 1969

This Act formally established Andrew Lysaght Park as a public park which is required to be maintained as a rest park. The Act divided the Old Roman Catholic Cemetery into three separate areas with three different purposes: Public Rest Park, Showground, and Council Public Road. The Andrew Lysaght Rest Park was to not be used any other purpose and a register of those buried on the land be compiled and made available for inspection at the Wollongong Town Hall and the Mitchell Library. Headstones and grave enclosures within the Showground purpose area were required to be removed and re-erected on the rest park and a memorial be erected on the rest park to indicate the sacred nature of the area. Advice from DPHI- Crown Lands in July 2021 provides:

"*Lot 2 DP 1091530 is public park. This land is dedicated (Dedication 1000384) for Public Park see Sec 4 (1) of the Old Roman Catholic Cemetery, Crown Street, Wollongong Act 1969 No 56 that was assented to on 17th Oct 1969. This dedication is for all of Lot 2 DP 1091530. It is a Crown Reserve under Part 3B of the Crown Lands and Other Acts (Reserves) Amendment Act 1974.*"

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History of Andrew Lysaght Rest Park as Old Roman Catholic Burial ground

A burial ground was established on the coast in Wollongong in about 1830, before government surveyors laid out the town of Wollongong. This site is located at what is now lower Crown Street. From 1830 until 1861 the cemetery was exclusively a Roman Catholic burial ground. The Protestant section was never part of this cemetery but was located to the south of it. The graveyard was initially closed in 1862 by which time it is believed that over 200 bodies had been interred, although only 155 burials were listed in the Burial Register at the time. It is known that after this closure three further burials of the Lysaght family were undertaken, to accompany an earlier family burial, with the last occurring in 1914. In around 1861 the cemetery was transferred to the General Cemetery in Swan Street because of the threat of coastal erosion washing away the graves. From about that time, various pressures to utilise the old burial ground for other purposes were evident, however local community and Catholic Church support including that from the influential Lysaght family ensured that the cemetery was protected. The burials of the Lysaght family proved to be significant in ensuring the preservation of the site. In July 1916, after the cemetery had been closed the then Lands Department (now DPHI - Crown Lands) rededicated the area as a Reserve for the Preservation of Graves. Significant additional pressures were subsequently applied to carry out various development proposals (mainly associated with the adjoining showground) in the 1960's and 1970's. Various sections were excised from the original cemetery during this period.

Andrew Lysaght Park, which consisted of only part of the original cemetery, was formally established in 1970 as an outcome of the Old Roman Catholic Cemetery, Crown Street Wollongong, Act. Headstones and grave enclosures in the old cemetery reserve, including land that is now part of the showground area, were removed by Council and erected in Andrew Lysaght Park on a commemorative wall in the southern end of the Park. A stone monument to the Lysaght family was in the centre of the grassed area.

In 1998 the Wollongong Sportsground Trust built an Entertainment Centre on the land immediately adjoining the western boundary of Andrew Lysaght Park. All works were carried out in accordance with the requirements of the Heritage Act 1977 and any directions were issued by the NSW Heritage Office. Heritage Consultant Anne Bickford undertook an archaeological excavation of the site, and 19 gravesites were exposed. Following extensive community consultation, the NSW Heritage Office gave approval for these graves to be covered and remain on site undisturbed.

In conjunction with construction works for the entertainment centre building, Andrew Lysaght Park was re-landscaped by Council. Part of the park was paved to form a plaza area and the area immediately adjoining the entertainment centre building was developed as a raised terrace. The terrace area was intended to form a linkage between the Entertainment Centre building and the lower plaza area of Andrew Lysaght Park. Council developed the landscaping design in consultation with local community groups and descendants of persons buried in the old cemetery.

Development consent was issued to the Wollongong Sportsground Trust in 1998 for the establishment of a restaurant within the entertainment centre and the associated use of the terrace area of Andrew Lysaght Park for outdoor dining. Further to this, the Wollongong Sportsground Trust has been given development consent to cover/enclose part of the raised terrace area for use in conjunction with its restaurant facility.

This project also involved the installation of a micro-brewery in the restaurant. The microbrewery operates as an ancillary component of the restaurant with beer being produced for the consumption of restaurant patrons only. The Wollongong Sportsground Trust constructed a northern grandstand at WIN Stadium in the early 2000s, immediately

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adjoining the southern wall of the entertainment centre. The footprint of the new grandstand building covers an area of about 3000 square metres. About 100 square metres of the eastern wrap-around end of the grandstand would have encroached into the airspace of Andrew Lysaght Park. Three support piers would also have needed to be located within the boundaries of the Park. As noted previously, the areas of Andrew Lysaght Park affected by these encroachments have been removed from the rest park dedication by the provisions of the 2001 Old Roman Catholic Cemetery Amendment Act.

In accordance with the amendment legislation, prior to construction work commencing on the site, the Catholic Cemeteries Board exhumed all remains of known gravesites found within Portion 95. These remains were reburied into the grassed ramp area of Andrew Lysaght Park on 28 August 2002. By December 2002 Council prepared and adopted the Andrew Lysaght Rest Park Plan of Management which included the Landscape Masterplan that was implemented by 2010 with the current raised grassed beds, seating, stone and black rail fencing and the Black Marble/Granite Burial Register including the names, date of death and age information of 314 people.

Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill 2001

The main objectives of this Bill were to amend the Wollongong Sportsground Act 1986 and the Old Roman Catholic Cemetery, Crown Street, Wollongong, Act 1969 to redefine the boundaries of Andrew Lysaght Park and transfer lands excised from Andrew Lysaght Park to the Wollongong Sportsground Trust. The legislation was drafted to accommodate the encroachment of a new grandstand at WIN Stadium into Andrew Lysaght Park and to lawfully allow for the terrace area excised from Andrew Lysaght Park to be managed and used by the Wollongong Sportsground Trust for restaurant purposes. The Act provided for the current defined area of Crown Reserve 100384 as Lots 2 and 3 DP 1091530.

This Bill also gave the Catholic Cemeteries Board the right to remove bodies from Portion 95 prior to any construction work for the grandstand being commenced. Any remains found are required to be reburied in a suitable position in Andrew Lysaght Park as determined by the Board following consultation with Wollongong City Council.

The Old Roman Catholic Cemetery, Crown Street, Wollongong, Act 1969 requires that Wollongong City Council as Trust Manager (*the Crown Lands Act 1989 was in force at the time of the making of this legislation*), ensures that Andrew Lysaght Park is maintained as a rest park. The amendment legislation goes on to further define constraints on the uses of the rest park. The amendment legislation states:

"Council must ensure that any use of the land:

a) is limited to passive recreational activities that in the Council's opinion provide community benefit, and

b) does not unduly intrude on the recognition of and respect for the land as an old cemetery, and

c) does not involve any commercial activities, and

d) subject to the preceding paragraphs, is consistent with any applicable plan of management adopted under the Crown Lands Act 1989."

Except for Section 5, which relates to the closure of a Council public road, the Act was proclaimed and commenced on 11 January 2002.

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Statute Law (Miscellaneous Provisions) Act 2012 No 42 which was assented to on 21 June 2012.

Under this legislation the Old Roman Catholic Cemetery Crown Street Wollongong Act 1969 was repealed, and relevant provisions were transferred to the Conversion of Cemeteries Act 1974. The Conversion of Cemeteries Act 1974 was repealed by sect 143 (c) of the Cemeteries and Crematoria Act 2013 No 105. Effective 1 Nov 2014

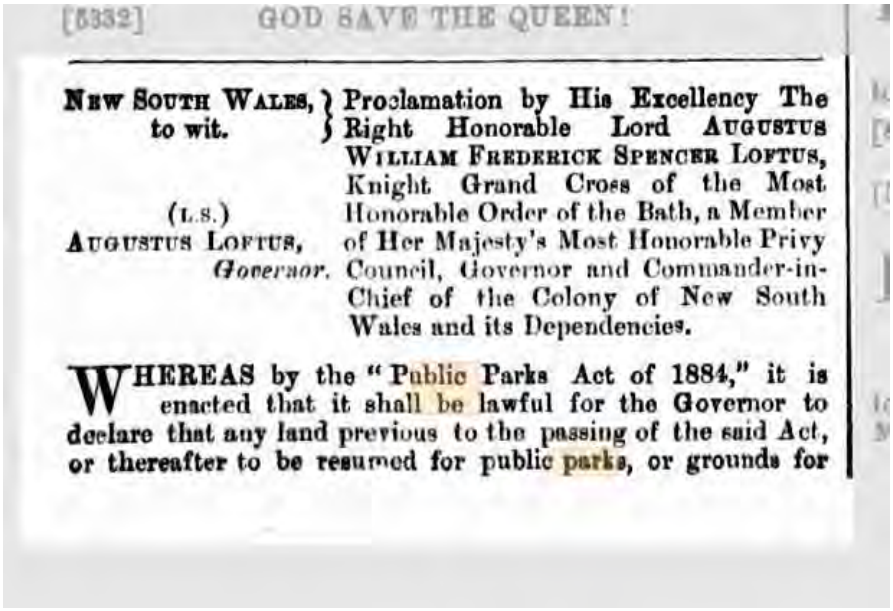
https://legislation.nsw.gov.au/view/html/inforce/current/act-2013-105#sch.4-sec.1

Appendix 2 Stuart Park, North Beach, Andrew Lysaght Rest Park follows on the next page. Remainder of this page is intentionally blank.

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APPENDIX 2 STUART PARK, NORTH BEACH SLSC, ANDREW LYSAGHT REST PARK

PUBLIC PARKS ACT OF 1884 Gazettal for Stuart Park



[5332] GOD SAVE THE QUEEN!

NEW SOUTH WALES, to wit. } Proclamation by His Excellency The Right Honorable Lord AUGUSTUS WILLIAM FREDERICK SPENCER LOFTUS, Knight Grand Cross of the Most Honorable Order of the Bath, a Member of Her Majesty's Most Honorable Privy Council, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies.

(L.S.) AUGUSTUS LOFTUS, *Governor.*

WHEREAS by the "Public Parks Act of 1884," it is enacted that it shall be lawful for the Governor to declare that any land previous to the passing of the said Act, or thereafter to be resumed for public parks, or grounds for public recreation, or as places for bathing, and vested in the Minister for Public Works as a corporation, sole by virtue of the Act forty-fourth Victoria number sixteen, shall be, as to the whole or any portion of such lands, subject to the provisions of this Act: Now, therefore, I, Lord AUGUSTUS WILLIAM FREDERICK SPENCER LOFTUS, the Governor aforesaid, with the advice of the Executive Council, do hereby, by this my Proclamation, declare that the land hereinafter described, which has been purchased for the purposes of a Public Park at Wollongong, shall, as to the whole of it, be subject to the provisions of the "Public Parks Act of 1884," and that it be known by the name of "Stuart Park," that is to say:—

All that piece or parcel of land containing 56 acres 2 roods, situated in the county of Camden, parish of Wollongong: Commencing at high-water mark on the coast of New South Wales, at a point bearing north 9° 35′ east 4,716 links from the south-east intersection of Smith and Kembla Streets, in the town of Wollongong; and bounded thence on south by a line bearing north 89° 46′ west 235 links to the east corner-post of a bridge over the Mount Pleasant Colliery Tramway; thence on south-west by the said tramway, being a fenced line bearing north 31° 39′ west 150 links and north 57° 5′ west 1,663 links, and a curve of 1,853 links radius to south and 756 links long, and a line bearing north 80° 28′ west 578 links to the right bank of Para or Fairy Creek; thence on west and north by the said bank to the sea; and thence on east by high-water mark, to the point of commencement.

NOTE.—All bearings are taken from magnetic north.

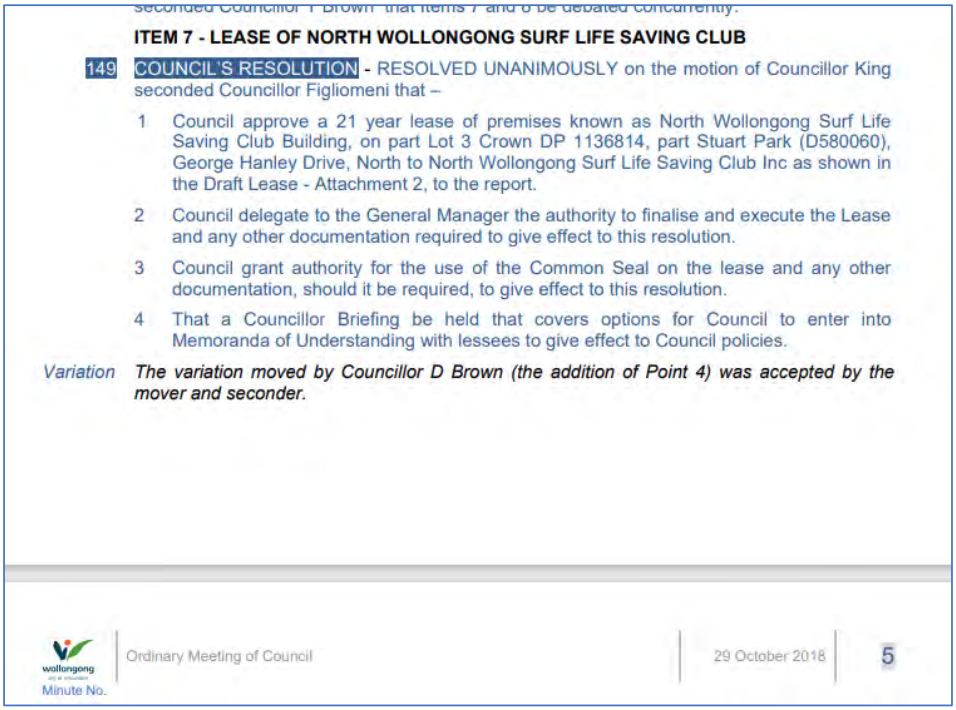
Given under my Hand and Seal, at Government House, Sydney, this twenty-fifth day of September, in the year of our Lord one thousand eight hundred and eighty-five, and in the forty-ninth year of Her Majesty's Reign.

By His Excellency's Command,
JOSEPH P. ABBOTT.

[5743] GOD SAVE THE QUEEN!

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Lease of North Wollongong Surf Life Saving Club Report and Resolution of Council 29 October 2018



seconded Councillor T Brown that items 7 and 8 be debated concurrently.

ITEM 7 - LEASE OF NORTH WOLLONGONG SURF LIFE SAVING CLUB

149 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor King seconded Councillor Figliomeni that –

1 Council approve a 21 year lease of premises known as North Wollongong Surf Life Saving Club Building, on part Lot 3 Crown DP 1136814, part Stuart Park (D580060), George Hanley Drive, North to North Wollongong Surf Life Saving Club Inc as shown in the Draft Lease - Attachment 2, to the report.

2 Council delegate to the General Manager the authority to finalise and execute the Lease and any other documentation required to give effect to this resolution.

3 Council grant authority for the use of the Common Seal on the lease and any other documentation, should it be required, to give effect to this resolution.

4 That a Councillor Briefing be held that covers options for Council to enter into Memoranda of Understanding with lessees to give effect to Council policies.

Variation ***The variation moved by Councillor D Brown (the addition of Point 4) was accepted by the mover and seconder.***

Minute No. Ordinary Meeting of Council 29 October 2018 5

Link to Council's website for the Report to Council 29 October 2018

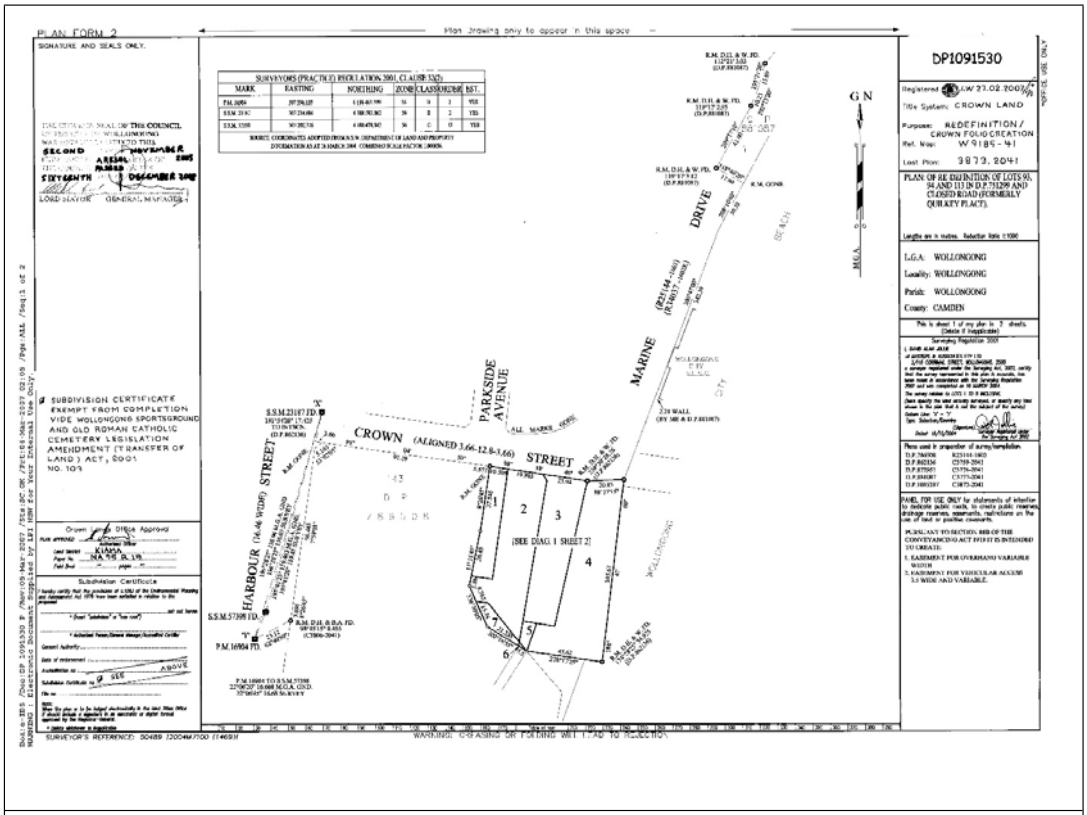
Lease of North Wollongong Surf Life Saving Club (nsw.gov.au)

Andrew Lysaght Park Land Transfer Deposited Plan (DP) and Other Estates

The following Deposited Plan is the outcome of the 2002 Andrew Lysaght Rest Park PoM that will be replaced by the adoption of this PoM. The DP gives effect to the land transfer that redefined the Andrew Lysaght Rest Park Crown Reserve and provides the adjoining Sportsground with rights of access.

See following 3 pages for DP 1091530 including 88B instrument.

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Continues on to Next 2 Pages (88B instument for DP1091530)

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Box:e-IDS /Doc:DP 1091530 B /Rev:05-Mar-2007 /Sts:SC.OK /Prt:06-Mar-2007 02:05 /Pgs:ALL /Seq:1 of 2
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED, OR RELEASED AND PROFITS A PRENDRE RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919.

(Sheet 1 of 2)

DP1091530

PLAN OF RE-DEFINITION OF LOTS 93, 94 AND 113 IN DP 751299 AND CLOSED ROAD (FORMERLY QUILKEY PLACE)

Full name and address of registered proprietor

Department of Lands
C/- Wollongong City Council – Trustee, Locked Bag 8821, Wollongong 2500

PART 1

1 Identity of easement firstly referred to in the abovementioned plan — Easement for overhang variable width

Schedule of Lots etc. Affected

Lot Burdened	Lots, Name of Road or Authority Benefited
2	Lot 143 DP 786508

2 Identity of easement secondly referred to in the abovementioned plan — Easement for vehicular access 3.5 wide and variable

Schedule of Lots etc. Affected

Lots Burdened	Lots, Name of Road or Authority Benefited
2, 4 & 5	7, Lot 143 DP 786508

PART 2

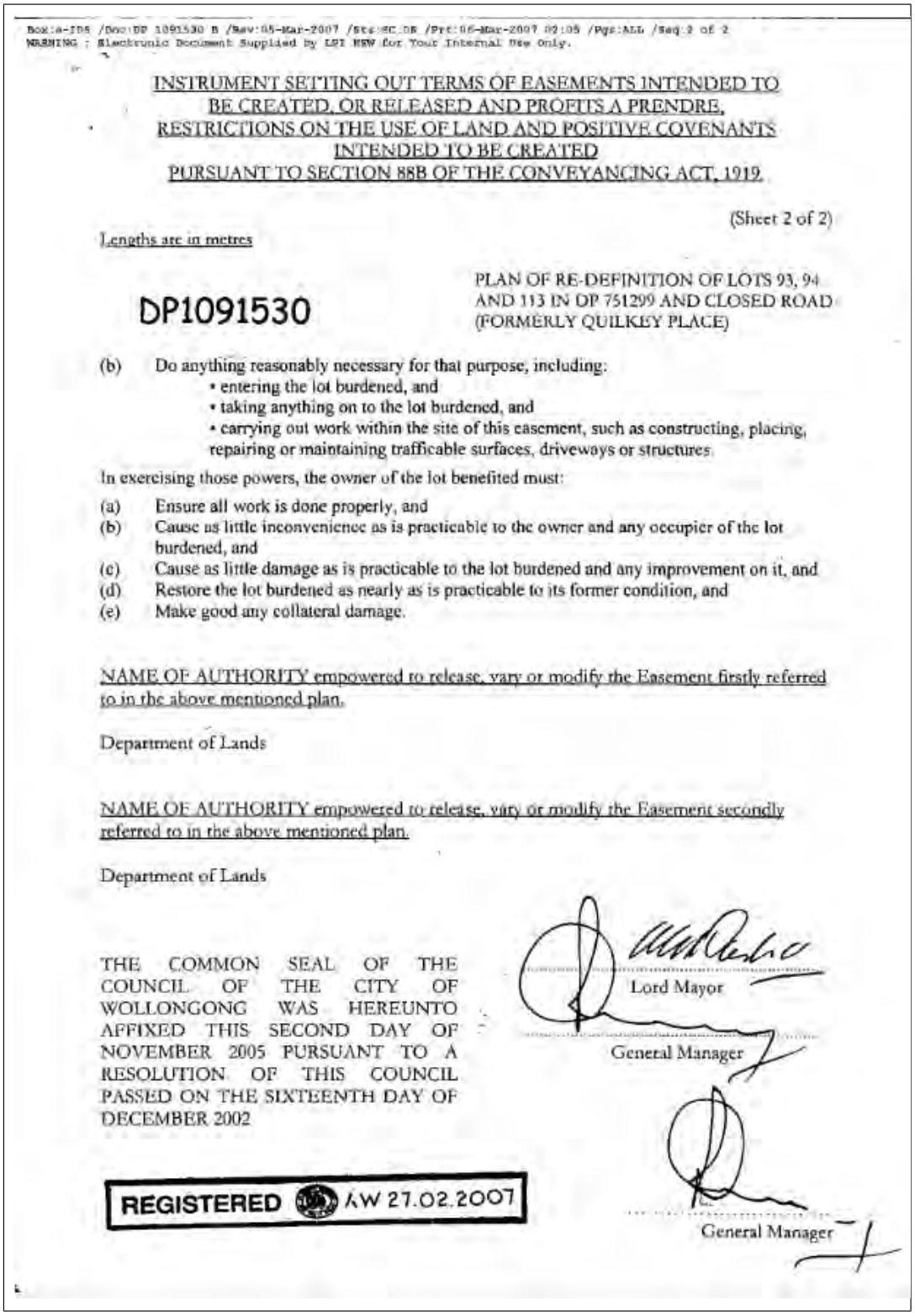
1 **Terms of EASEMENT FOR VEHICULAR ACCESS 3.5 WIDE AND VARIABLE secondly referred to in the abovementioned plan**

The owner of the lot benefited may:

(a) By any reasonable means pass across each lot burdened, but only within the site of this easement, to get to or from the lot benefited, and

.....
General Manager

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WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED, OR RELEASED AND PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919

(Sheet 2 of 2)

Lengths are in metres

DP1091530

PLAN OF RE-DEFINITION OF LOTS 93, 94 AND 113 IN DP 751299 AND CLOSED ROAD (FORMERLY QUILKEY PLACE)

(b) Do anything reasonably necessary for that purpose, including:
- entering the lot burdened, and
- taking anything on to the lot burdened, and
- carrying out work within the site of this easement, such as constructing, placing, repairing or maintaining trafficable surfaces, driveways or structures.

In exercising those powers, the owner of the lot benefited must:

(a) Ensure all work is done properly, and
(b) Cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
(c) Cause as little damage as is practicable to the lot burdened and any improvement on it, and
(d) Restore the lot burdened as nearly as is practicable to its former condition, and
(e) Make good any collateral damage.

NAME OF AUTHORITY empowered to release, vary or modify the Easement firstly referred to in the above mentioned plan.

Department of Lands

NAME OF AUTHORITY empowered to release, vary or modify the Easement secondly referred to in the above mentioned plan.

Department of Lands

THE COMMON SEAL OF THE COUNCIL OF THE CITY OF WOLLONGONG WAS HEREUNTO AFFIXED THIS SECOND DAY OF NOVEMBER 2005 PURSUANT TO A RESOLUTION OF THIS COUNCIL PASSED ON THE SIXTEENTH DAY OF DECEMBER 2002

Lord Mayor

General Manager

REGISTERED AW 27.02.2007

General Manager

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APPENDIX 3 AERIAL PHOTOGRAPHY 1938 TO 2014

1938



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1955



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1977



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1993



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2001



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2009



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2014



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wollongong
city of innovation

Wollongong City Council
wollongong.nsw.gov.au
Phone (02) 4227 7111

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ITEM 7 FOUR-YEAR STRATEGIC AUDIT RISK AND IMPROVEMENT COMMITTEE WORKPLAN

The Office of Local Government (OLG) released the final version of the Guidelines "*Risk Management and Internal Audit for Local Government in NSW*" in July 2024. The Guidelines require the Audit, Risk and Improvement Committee to develop a strategic and annual workplan to ensure all matters listed in section 428A of the *Local Government Act 1993* are reviewed by the Committee.

RECOMMENDATION

The Four-Year Strategic Audit, Risk and Improvement Committee Workplan be adopted by Council.

REPORT AUTHORISATIONS

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

ATTACHMENTS

1 Four Year Strategic Audit, Risk and Improvement Committee Workplan

ACRONYMS USED IN REPORT

Abbreviation	Meaning
ARIC	Audit, Risk and Improvement Committee
OLG	Office of Local Government

BACKGROUND

The Office of Local Government (OLG) released the guideline "*Risk Management and Internal Audit for Local Government in NSW*" in 2024. The Guideline outlines minimum requirements for how Councils carry out and engage Internal Auditors, Audit Risk and Improvement Committees and provides minimum requirements for a Risk Management Framework. The Guidelines require the Audit, Risk and Improvement Committee to develop a strategic and annual workplan to ensure all matters listed in section 428A of the *Local Government Act 1993* are reviewed by the Committee.

PROPOSAL

Council's ARIC must develop a strategic work plan every four years to ensure that all the matters listed in section 428A of the *Local Government Act* are reviewed by the Committee and considered by the internal audit function when developing their risk-based program of internal audits including an annual plan to guide its work over the forward year.

The ARIC had previously adopted a four-year strategic workplan which was adopted by the Audit, Risk and Improvement Committee in September 2023. The new OLG guidelines now require this workplan to be presented to Council which previously was not a requirement. The Four-Year Strategic Workplan has now undergone a review to ensure the plan aligns with current organisational strategic risks and key organisational issues it faces and is tabled for adoption.

It is essential that the work of the audit, risk and improvement committee is thoroughly planned and executed and that councils receive value for money from their assurance investment. This plan assists in ensuring this occurs and providing assurance to Council on the Committee's operations.

CONSULTATION AND COMMUNICATION

The OLG Risk Management and Internal Audit Guidelines state:

The plan must be developed by the audit, risk and improvement committee in consultation with the governing body, general manager, the internal audit coordinator and senior managers (where appropriate) and adopted by the governing body of the council at the start of the council term.

To maintain the independence of the audit, risk and improvement committee, the governing body of the council must be careful when adopting the strategic work plan not to direct the committee's work over the council term.

The Audit, Risk and Improvement Committee in conjunction with Council, Senior Management and the Governance and Risk Unit have developed the attached workplan to meet the requirements of the OLG guidelines.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Goal 4 "We are a connected and engaged community". It specifically delivers on the following:

Community Strategic Plan 2032		Delivery Program 2022-2026
Strategy		Service
4.7	Demonstrate responsible decision-making based on our values, collaboration, and transparent and accountable leadership	Governance and Administration

RISK MANAGEMENT

Risk management is a fundamental component of decision making in all Council activities. All decisions made by Council and its officers need to consider the risks involved in taking those decisions and the impact those decisions will have on the achievement of Council's objectives. Successful implementation of the Four-Year Strategic Audit Risk and Improvement Committee Workplan and the oversight of the Audit Risk and Improvement Committee will enhance the delivery of our interconnected Community Goals outlined in the Community Strategic Plan

CONCLUSION

The Four-Year Strategic Audit, Risk and Improvement Committee Workplan meets the requirements of the OLG guidelines and *Local Government Act 1993* and is recommended for adoption.



Wollongong City Council

Strategic Four Year Workplan - Audit, Risk and Improvement Committee

Adopted XXXX 2025

STRATEGIC FOUR YEAR WORKPLAN – AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC)

ARIC

1 Introduction

Wollongong Council has established an Audit, Risk and Improvement Committee (Committee) in compliance with section 428A of the *Local Government Act 1993* (the Act), the *Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulations 2023* and the Office of Local Government's Guidelines for Risk Management and Internal Audit for Local Government in NSW. The Committee must develop a strategic workplan (the Strategic Workplan) to fulfill its roles and responsibilities.

2 Objectives

This Strategic Workplan sets out the program for the Committee for the following four- year period based on the following:

- Responsibilities of the Audit, Risk and Improvement Committee
- Council's Governance Framework
- Council's Enterprise Risk Management Framework
- Council's Internal Audit Charter
- Council's Audit, Risk and Improvement Committee Terms of Reference

Note: The workplan is set by the Committee and subject to change and can be amended as required to respond to emerging areas of concern to the Committee by the Committee.

In developing this plan, the Committee has considered the council's strategic objectives and risks, the work of other review activities or functions (for example, external and performance audits, and reviews or audits by other government agencies), relevant assurance maps and stakeholder expectations.

3 Guiding Principles

The guiding principles for the Council's Committee include:

- The Committee is independent of the Council.
- The Committee is equipped with the relevant expertise and has access to the council resources and information necessary to fulfil its role and responsibilities effectively.
- Each council receives relevant and timely advice and assurance from the Committee on the matters listed in section 428A of the *Local Government Act*.
- The work of the Committee is thoroughly planned and executed, risk-based and linked to the Council's strategic goals.
- The Committee adds value to the council and is accountable to the governing body for its performance.
- The Council is accountable to the community for complying with statutory requirements and the Guidelines relating to the Committee.

4 Role and functions

Under section 428A of the *Local Government Act 1993*, each Council must have an Audit, Risk & Improvement Committee to independently review and advise on the following aspects of the Council's operations:

- Compliance
- Risk management
- Fraud control
- Financial management
- Governance
- Implementation of strategic plan, delivery program and strategies

- Service reviews
- Collection of performance measurement data by the council, and
- Any other matters prescribed by the regulation

ARICs have an advisory and assurance role that is independent of the Council. They are to exercise no administrative functions, delegate financial responsibilities or any management functions for Council.

The Committee provides independent advice to the Council that is informed by the Council's Internal Audit and Risk Management activities, and information and advice provided by Council staff, relevant external bodies and other subject matter experts. Individual Councillors cannot request or receive information from the Committee as prescribed by the Guidelines.

5 Goals and Expected Outcomes

The goals and expected outcomes of the ARIC across the Council term are as follows:

- Assist in achieving the Council's strategic objectives by providing advice around governance arrangements in place to support Council's objectives
- To review and provide advice on matters listed in Schedule 1 of the Audit, Risk and Improvement Committee's Terms of Reference
- To provide an annual report to Council of the activities reviewed by the Committee, and to provide a comprehensive independent assessment each Council term on all matters listed in section 428A of the *Local Government Act.*

6 Key organisational issues and risks

This plan is reviewed and updated annually, and consideration is given to the key (strategic) risks and organisational issues Council. The Internal Audit Plan also considers these risks from an external and internal environment perspective. The Committee reviews this plan annually considering changes in the risks identified. The following key risks have been identified by Council and have been considered in the development of this plan and the development of the current Internal Audit Plan:

- Service Delivery
- Brand and Reputation
- Climate Change
- Compliance
- Cyber Security
- Environment
- Financial Security
- Fraud and Corruption
- Procurement and Contracts
- Safety of our People
- Strategic Asset Management
- Workforce Resourcing and Capability

STRATEGIC FOUR YEAR WORKPLAN – AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC)

ARIC

7 Members

The ARIC consists of an independent Chair and two independent members who have voting rights and one non-voting Councillor observer. The Lord Mayor cannot be appointed as the Councillor observer.

Members are appointed by resolution of the Council for up to four years and may be reappointed for a further four years, however, members can only hold a position for a maximum of eight years in a ten-year period.

The Mayor, General Manager and the Internal Audit Coordinator/Governance and Risk Manager attend Committee meetings as non- voting observers as required in the Office of Local Government Guidelines.

Current Members of the ARIC include:

Name	Role	Term Expiry
Donna Rygate	Independent Chair	31 October 2027
Robert Lagaida	Independent member	31 October 2026
Carl Murphy	Independent member	31 December 2028
Cr Thomas Quinn	Councillor non-voting observer	Term of Council

8 Stakeholders

ARICs role is to provide independent advice and assurance to the Council. To achieve this the ARIC ensures information, discussions and presentations are provided from a range of stakeholders at each meeting including the External Auditor (Audit Office of NSW), Internal Auditor, General Manager, Senior Staff, Governance and Risk Manager and subject matter experts.

9 Key Staff

Wollongong City Council staff who attend ARIC include:

Name	Role
Greg Doyle	General Manager
Renee Campbell	Director Corporate Services
Todd Hopwood	Manager, Customer and Business Integrity
Michelle Martin	Governance and Risk Manager Internal Audit Co-Ordinator
Brian Jenkins	Chief Financial Officer

Council staff presenting information to ARIC attend the meeting for the relevant discussion.

10 Meetings

ARIC meetings are generally held once a quarter.

Additional meetings are often held to review the financial statements before and after audit depending on statutory accounts finalisation dates. These are determined annually as requirements become known.

11 Strategic Workplan

The Committee is required to develop a four-year strategic workplan to ensure the above areas are reviewed by the Committee and considered in developing the internal audit plan.

STRATEGIC FOUR YEAR WORKPLAN – AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC)

ARIC

The work of the Committee is to be thoroughly planned so all activities and functions are considered, and advice and assurance can be provided to Council.

The ARIC Strategic Plan is an organic document that is reviewed and updated at least annually by the Committee. The current four-year strategic workplan is noted below. The workplan, is a cyclical plan which will be followed for the coming four years to the end of the council term. This ensures each area is considered appropriately on an annual basis. As noted in Section 2, the workplan is subject to change and can be updated where required for arising business from the categories of council's operations discussed in Section 4.

The 4-Year Work schedule below is a component of the ARIC Strategic Plan and is a high-level overview of the planned and scheduled program of audits, organisational risks presentations, service reviews and other activities. Given the work of ARIC is broad, the 4-Year Work Plan needs to be adaptable and flexible to meet any changing needs identified by the ARIC members or Council. The 4-Year Work Plan will inform the ARIC End of Term Report presented to Council.

The calendar of business which forms the strategic workplan for the next four years can be seen below:

Responsibility	Activity	Frequency	Meetings 2025-2027 (quarterly reoccurring)			
			Sept	Dec	Mar	Jun
Risk Management	Enterprise Risk Management Report	Quarterly	✔	✔	✔	✔
	Presentation on Risk Related Topic	Quarterly	✔	✔	✔	✔
	Update on Strategic Risks	Quarterly	✔	✔	✔	✔
	Risk Appetite/Risk Tolerances	Annual			✔	
	Business Continuity Management and Crisis Management	Annual				✔
	Cyber Security	Annual				✔
Financial Management	Monthly Financials (Monthly Out of Session)	Monthly	✔	✔	✔	✔
	Forthcoming Year's Budget	Annual				✔
	Financial Sustainability and Long-Term Financial Plan Update	Annual			✔	
	Review of Financial Statements (before and after audit)	Annual		✔*		
	Updates to Financial Policies and Procedures	As required	✔	✔	✔	✔
External Audit	Client Engagement Plan	Annual			✔	
	Engagement Closing Report*	Annual		✔		
	Interim Management Letter	Annual				✔
	Final Management Letter	Annual		✔		
Compliance	Legislative Compliance Update	Annual	✔			
Fraud and Corruption	Fraud and Corruption Control Plan and Framework Update	Annual				✔
	Meeting with Professional Conduct Coordinator	Quarterly	✔	✔	✔	✔
Governance	Privacy Management	Annual			✔	
	Internal Controls Checklist and Results	Annual			✔	
	Code of Conduct Registers Reporting (Conflicts of Interest, Secondary Employment and Gifts and Benefits)	Annual	✔		✔	
	Status Update – Council Level Policies	Annual		✔		
	Councillor Expenses – Annual Report for ARIC	Annual	✔			
	IP&R Annual Update on the implementation and achievement of IP&R Objectives	Annual		✔		
	Write-offs of debts pursuant to s213 of the Local Government Act approved by the General Manager	Monthly	✔	✔	✔	✔

STRATEGIC FOUR YEAR WORKPLAN – AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC)

ARIC

Responsibility	Activity	Frequency	Meetings 2025-2027 (quarterly reoccurring)			
			Sept	Dec	Mar	Jun
	Monthly Executive Key Performance Indicators Report	Monthly	✔	✔	✔	✔
Innovation and Improvement	Service Reviews – Annual Update	Annual			✔	
	IPR – Annual Update on the implementation and achievement of IP&R Objectives	Quarterly	✔			
Internal Audit	Audit Recommendation Implementation Status Report	Quarterly	✔	✔	✔	✔
	Internal Audit Report – Status Update	Quarterly	✔	✔	✔	✔
	Extension of Internal Audit Tasks	As required	✔	✔	✔	✔
	Tabling of Completed Internal Audit Reports	Quarterly	✔	✔	✔	✔
	Review Internal Audit Charter	Annual				✔
	Review Forward Internal Audit Plan	Quarterly			✔	
	Review Audit, Risk and Improvement Committee Terms of Reference	Annual			✔	
	Review of the Internal Audit Charter	Annual			✔	
Audit, Risk and Improvement Committee	Annual Self-assessment	Annual	✔			
	Quarterly Update to Council	Quarterly	✔	✔	✔	✔
	Annual Attestation*	Annual	✔			
	Annual Report to Council	Annual		✔		
	Review Strategic and Annual Workplan	Annual				✔
	Committee Meeting Dates for Forthcoming Year	Annual	✔			

*Review of financial statements often occurs at additional meetings scheduled in August and October each year. The timing of these meetings depends on the date the financial statements are required to be submitted to the Audit Office of NSW and the date the audit is completed.

In addition, the Committee will review the following activities every council term:

- Strategic Assessment - comprehensive independent assessment of all the matters listed in section 428A of the Local Government Act that have been reviewed during the council term.
- Effectiveness of the ARIC in conformance with the Global Internal Audit Standards (discussed in section 11).

When considering whether to vary the strategic work plan, the Committee must consider the impact of the variation on the internal audit and the applicable function's existing workload and the completion of pre-existing priorities and activities identified under the strategic workplan.

12 Internal Audit Plan

Council is currently in the third year of its current internal audit plan.

A forward plan for the next 4 years will be developed during 2025-2026 and finalised before the commencement of the 2026-27 financial year.

The internal audit function has developed a forward internal audit plan by considering the following:

- Strategic Risks of Council
- Susceptibility to fraud and corruption.
- Time since last audit, risk rating of previous findings, directorate priority, impact on strategic objectives
- Audit Office NSW focus areas
- Consultation with the Directors and the General Manager

STRATEGIC FOUR YEAR WORKPLAN – AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC)

ARIC

The 2025-2026 internal audit plan includes the following audits: Budget Planning and Management, Security of Premises, Business Continuity Management, Building Site Compliance Processes, Project Management – Major Capital, HR Management (Recruitment and Performance Management) and WHS – Volunteer Management.

These internal audits will be outsourced to our contracted internal audit provider. Budget has been provided as per the current four-year internal audit contract. Further details are provided on scheduling, resources and scope per to the Committee through the annual review of the internal audit plan and quarterly updates to the Committee.

Management may request internal audit services in response to emerging business issues or risks. Internal Audit will attempt to satisfy these requests subject to the assessed level of risk, availability of resources, and endorsement of the Audit, Risk and Improvement Committee

13 Key Performance Indicators

At least once each council term, the elected Council will conduct a review of the effectiveness of the Committee in conformance with the Global Internal Audit Standards.

Below are the review criteria to assess the performance of the Committee:

- the appropriateness of the Committee's terms of reference and whether these have been complied with
- the processes and procedures undertaken by the Committee.
- the collective performance of the Committee including:
  - the quality and timeliness of assurance and advice provided by the Committee to the governing body and general manager
  - the effectiveness of the Committee in meeting its responsibilities
  - the relationship and quality of communication with the council and other stakeholders
- the individual performance of each member including their:
  - understanding of the council, its key risks and internal controls
  - ability to act objectively and independently
    - preparation for Committee meetings
    - contribution to the work of the Committee through their participation in discussion and decision-making, skills and experience
- The performance of the chairperson including whether the chairperson has:
    - Demonstrated positive leadership
    - Maintained effective working relationships among ARIC members and with the Councils Internal and External Audit Functions
    - Ensured Council and General Manager was well informed and briefed on strategic and technical aspects of internal audits and risk and control issues.
- the way the Committee, external auditor, council and internal audit function together to manage risk and support the council and how effective this is
- whether the Committee has effectively reviewed the matters identified in section 428A of the *Local Government Act* and contributed to improvement in these areas, and
- whether the composition of the Committee is appropriate.

14 Review

The Strategic Workplan is required to be reviewed annually by the Committee and adopted at the beginning of each Council term by the Council.

STRATEGIC FOUR YEAR WORKPLAN – AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC)

ARIC

APPROVAL AND REVIEW	
Responsible	Audit Risk and Improvement Committee
Date Adopted by Council	XXXXX
Date of next Council review	June 2028

ITEM 8 LEAVE OF ABSENCE - COUNCILLOR TIANA MYERS - 21 JUNE TO 12 JULY 2025

Councillor Tiana Myers has requested a leave of absence for the period of 21 June to 12 July 2025.

RECOMMENDATION

Leave of absence be granted to Councillor Myers for 21 June to 12 July 2025.

REPORT AUTHORISATIONS

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

ATTACHMENTS

There are no attachments for this report

ITEM 9 LEAVE OF ABSENCE - COUNCILLOR LINDA CAMPBELL - 15 SEPTEMBER 2025

Councillor Linda Campbell has requested a leave of absence for the 15 September 2025 Council Meeting.

RECOMMENDATION

Leave of absence be granted to Councillor Linda Campbell for the 15 September 2025 Council Meeting.

REPORT AUTHORISATIONS

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

ATTACHMENTS

There are no attachments for this report.

ITEM 10 TENDER T1000196 - AUTOMATED IDENTIFICATION AND REPORTING OF TRANSPORT DEFECTS

This report recommends acceptance of a tender for Automated Identification and Reporting of Transport Defects in accordance with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021.*

Automated Identification and Reporting of Transport Defects leverages technology to allow Council to transition to the proactive asset management of our road network, improving our service to the community and prolonging the life of transport assets.

RECOMMENDATION

1 In accordance with Section 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accept the tender of Retina Visions Pty Ltd for the Automated Identification and Reporting of Transport Defects, in the sum of $540,000, including GST.

2 The contract be awarded for an initial term of 3 years, with 2 optional extensions of 1 year/s each for a maximum term of 5 years. Any such extensions being exercised at the sole discretion of Council.

2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.

3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Greg Knight, Manager City Works (Acting)
Authorised by: Paul Tracey, Director Infrastructure + Works (Acting)

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

Council is responsible for maintaining and replacing approximately 1,047 kilometres of road assets. Historically, defects on these assets have been managed reactively, typically through customer requests. This approach poses challenges for strategic asset management.

By leveraging computer vision-based technology to report and measure defects on Council's road network, Council can transition to a data-driven approach to road asset maintenance. Smart cameras mounted on our contractor's waste recycling trucks will provide a comprehensive defect report on 89% of Council-managed roads every two (2) weeks.

This unprecedented level of oversight of the entire road network enables Council to enhance customer experience, prioritise the most severe defects, monitor defect degradation over time, and proactively address issues before they become problematic for the community.

Tenders were invited for this project by the Open tender method with a close of tenders at 10.00 am on 15 May 2025

Six (6) tenders were received by the close of tenders and all tenders have been scrutinised and evaluated by a Tender Evaluation Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Information Management and Technology, City Works, Infrastructure and Works Divisions, Procurement and Supply and Governance representatives.

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

Mandatory Criteria

1 Satisfactory references from referees for previous projects of similar size and scope

2 Tenderer must be a pre-qualified Advanced Supplier under Buy NSW ICT Services Scheme

3 Proposed solution to be delivered as a Software as a Service (SaaS) solution

4 Tenderer has, or are willing to have integration relationship with TechnologyOne (OneCouncil)

5 The proposed solution meets the requirements identified as mandatory in Contract Specification (Schedule B)

Evaluation Criteria

1 Cost to Council – 45%

2 Demonstrated strengthening of local economic capacity – 10%

3 Degree of compliance with the specification – 25%

4 Demonstrated expertise and experience – 10%

5 Proposed delivery plan and methodology – 10%

The mandatory evaluation criteria have been met by the recommended tenderer.

The Tender Evaluation Panel utilised a weighted scoring method for the evaluation of tenders which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the evaluation criteria as specified in the tender documentation. The method then takes into account pre-determined weightings for each of the evaluation criteria which provides for a total score out of 5 to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender evaluation and the ranking of tenders.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

Name of Tenderer	Ranking
Retina Visions Pty Ltd	1
Future Data Sense Technologies Pty Ltd T/A Fedasen	2
Working Three Pty Ltd T/A Alyve Technology	3
Vaisala Pty Ltd	NON CONFORMING
RoadMetrics Ltd	NON CONFORMING
AsBuilt Australia Pty Ltd	NON CONFORMING

PROPOSAL

Council should authorise the engagement of Retina Visions Pty Ltd to carry out the Automated Identification and Reporting of Transport Defects in accordance with the scope of works and technical specifications developed for the project.

The recommended tenderer has satisfied the Tender Evaluation Panel that it is capable of undertaking the works to Council's standards and in accordance with the technical specification.

Referees nominated by the recommended tenderer have been contacted by the Tender Evaluation Panel and expressed satisfaction with the standard of work and methods of operation undertaken on their behalf.

CONSULTATION AND COMMUNICATION

1 Members of the Tender Evaluation Panel

2 Nominated Referees

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Goal 4 "We are a connected and engaged community". It specifically delivers on the following:

Community Strategic Plan 2032		Delivery Program 2022-2026
Strategy		Service
4.1	Provide our community with equitable access to information and opportunities to inform decision-making.	Infrastructure Strategy & Support
4.8	Council's resources are managed effectively to ensure long term financial sustainability.	Information Management & Technology

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.

SUSTAINABILITY IMPLICATIONS

This tender recommendation has positive sustainability implications including:

- Promoting more efficient and improved service delivery through innovation – reporting of defects moving from manual to automated process.
- Demonstrating potential efficiencies to be gained through service delivery – proactive, strategic management of assets.
- Sustainability outcomes (environmental and economic) to be achieved through Council's engagement with its suppliers, vendors and partners – utilising existing routes travelled by Remondis recycling trucks.

FINANCIAL IMPLICATIONS

It is proposed that these security services will continue to be funded from Councils operating budget as identified in the Operational Plan.

CONCLUSION

Council should endorse the recommendations of this report.

ITEM 11 TENDER T1000218 - LEASE TO OPERATE AND MANAGE CAR PARK AT 37 MARKET STREET WOLLONGONG

This report recommends that Council declines to accept the tenders submitted for Tender T1000218 – Lease to operate and manage the car park facilities located at Lot 602 DP812146 37 Market Street, Wollongong in accordance with Section 178(1)(b) of the *Local Government (General) Regulation 2021*. The report further recommends proceeding to negotiate firstly with the tenderers, or in the event of failure of negotiations with the tenderers, any other party with a view to entering into a Lease agreement.

RECOMMENDATION

1 In accordance with Section 178(1)(a) of the *Local Government (General) Regulation 2021*, Council decline to accept any tender received for the lease to operate and manage car park at 37 Market Street, Wollongong and resolve to enter into negotiations with the tenderers or any other party with a view to entering into a Lease agreement in relation to the subject matter of the tender.

2 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 tenderers 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 demonstrate a capacity and ability to undertake the terms and conditions of the Lease agreement.

3 Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with the tenderers and in the event of failure of negotiations with those tenderers, any other party, with a view to entering into a Lease Agreement in relation to the subject matter of the tender.

4 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Roisin OSullivan, Manager Commercial Operations + Property (Acting)
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

There are no attachments for this report

BACKGROUND

Council owns the multi-level carpark at 37 Market Street, Wollongong, known as Courthouse or Market Street carpark located on operational land being Lot 602 DP 812146. The asset was built in the late 1980s and contains 525 parking bays over ten split levels.

The Market Street carpark is currently being operated under a Management Deed which was entered into on 16 July 2024 with a 12-month term. Under the Deed, the operator being Secure Parking Pty Ltd (Secure) is responsible for collecting gross parking revenue, deducting all expenses relating to the car park and management fees, paying Council the net revenue each month.

A report dated 16 May 2024 was submitted to Council's Executive Management Committee regarding the future management of the carpark with a recommendation of:

1. *Based on the estimated revenue Council could generate under its existing fees and charges compared with estimated establishment costs and ongoing costs to self-manage the Market Street Carpark, it is recommended that Council undertake a tender to lease the Market Street carpark and receive a commercial rental return.*
2. *It is also recommended that Council request Secure to continue its operation of the Market Street carpark under the existing Deed until the tender process is finalised and lease awarded.*

Tenders were invited by the open tender method with a close of tenders at 10.00 am on 3 June 2025.

Two (2) tenders were received by the close date and have been scrutinised and evaluated by a Tender Evaluation Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Property, Finance, Procurement & Governance divisions.

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

Mandatory Criteria

Referees	Provision of satisfactory references from referees for previous projects of similar size and scope.
Financial capacity	Tenderers may be required to provide information required by an independent financial assessment provider engaged by Council. Council will review and determine whether such financial assessment is acceptable to Council and demonstrates the tenderer's financial capacity to enter the lease/licence.
Workplace health and safety, Environmental and Quality management systems	The Tenderer is to submit their Workplace Health and Safety, Environmental and Quality Management system information including any certifications.
Site Inspection	The Tenderer or an authorised representative is required to attend the site to inspect, either at the scheduled time or independently prior to submission of their Tender.

Evaluation Criteria

Proposed Rental Payable to Council	30%
Transition In and Management Plan	5%
Asset Improvement Plan, Program and Concept	20%
Demonstrated Activation Program and Approach	10%
Demonstrated experience and satisfactory performance in operating premises of similar size, scope, risk profile and staff qualifications	15%
Workplace health and safety, Environmental and Quality management systems	10%
Demonstrated strengthening of local economic capacity	10%

The Tender Evaluation Panel has concluded that the two (2) tenders received were non-conforming, details of which have been circulated to Council under separate cover.

It is recommended that the tenders be declined, and negotiations be undertaken with the tenderers, or any other party, with a view to entering into a contract for the subject matter of the tender.

The Tender Evaluation 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 Evaluation Panel

2 Nominated Referees – Referees nominated by the recommended tenderer have been contacted by the Tender Evaluation Panel and expressed satisfaction with the standard of work and methods of operation undertaken on their behalf.

3 External Consultant

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Goal 2 “We have an innovative and sustainable economy” and 2.1 ‘Local employment opportunities are increased within a strong local economy’.

It specifically delivers on core business activities as detailed in the Property Services Delivery and Operational Plan of ‘Carry out commercial business management of Council operational lands’.

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 lease is considered low based upon Council’s risk assessment matrix and appropriate risk management strategies will be implemented.

SUSTAINABILITY IMPLICATIONS

The following sustainability implications have been considered:

- Sustainable procurement by providing open and selective Tender method to give local companies the opportunity to provide a submission for the lease.
- Weighting in the Tender assessment provided for using local services, labour and materials.

FINANCIAL IMPLICATIONS

It is anticipated that by negotiating with the current tenderers or another party, that a satisfactory commercial outcome will be achieved in an efficient timeframe.

CONCLUSION

Council should endorse the recommendations of this report with a view that a satisfactory outcome will be achieved through a negotiation process with either the tenderers or another party conducted in accordance with Council’s Procurement Policies and Procedures resulting in a satisfactory value for money outcome for Council.

ITEM 12 POST TENDER NEGOTIATIONS N1000018 - SOUTHERN SUBURBS COMMUNITY CENTRE AND LIBRARY

This report recommends acceptance of a tender for the Main Works – Southern Suburbs Community Centre and Library and Associated Works in accordance with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021.*

The scope of work proposed under the contract for the Southern Suburbs Community Centre and Library includes the finalisation of design and construction of the following:

- The Southern Suburbs Community Centre and Library, a three-storey building containing a community centre, district library, lease holder accommodation and support function areas
- Landscaping and public domain works; and,
- Car parking.

The vision is for this area to be a key cultural destination by providing the opportunity to bring people together by creating comfortable public spaces and attractive destinations catering to the daily needs of its culturally rich community.

RECOMMENDATION

1 That following post tender negotiations in accordance with Section 178(3)(e) of the *Local Government (General) Regulation 2021*, Council accept the tender from Grindley Constructions Pty Limited for the sum of $41,678,842.34 Incl. GST, for the provision of the works under of Contract N1000018 – Southern Suburbs Community Centre, Library and Associated Works.

2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.

3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Jeremy Morgan, Manager Project Delivery (Acting)
Authorised by: Paul Tracey, Director Infrastructure + Works (Acting)

ATTACHMENTS

There are no attachments for this report.

ACRONYMS USED IN REPORT

Abbreviation	Meaning
GC21	NSW Government GC21 (Edition 2) General conditions of Contract

BACKGROUND

The provision of a district level library and community centre has been a part of Council's long-term vision for the southern suburbs of Wollongong. The planning has moved through various milestones since 1998, including:

- The pursuit of a district level centre for the southern suburbs commenced with an initial social needs analysis completed in 1998.
- In 2006 the Wollongong Planning People Places report committed to investigate a district level facility for four nominated Council districts. Three of these facilities have now been delivered at Corrimal, Dapto and Thirroul.
- In 2013 initial community engagement activities were undertaken for a district level centre to be built at Warrawong to serve the southern suburbs. Several site options were considered to identify the most suitable site.

- The proposed facility was also identified in the Warrawong Town Centre Masterplan in 2013, and subsequent planning documents.
- In 2018, Council reaffirmed its commitment to the proposed facility in Council's adopted Social Infrastructure Planning Framework.
- Further, in 2023 Council again supported in the Social Infrastructure Future Directions Plan including the need for a facility in this precinct.

This proposed facility project has been in the planning phase for over 27 years. The options assessment for siting the facility was undertaken between 2013 and 2018, with the location agreed in 2019. Council has engaged with the community and stakeholders at multiple stages of the project development.

Following an Expression of Interest process, select tenders were invited with a submission date of 14 December 2023. The outcomes of this process were considered by Council at its meeting of 5 February 2024, and Council resolved as follows:

1 *In accordance with Section 178(1)(b) of the Local Government (General) Regulation 2021 Council decline to accept any of the tenders received for the Southern Suburbs Community Centre, Library and Associated Works and resolve to enter into negotiations with one or all of the tenderers or any other party with a view to entering into a contract in relation to the subject matter of the tender.*

2 *In accordance with Section 178(4) of the Local Government (General) Regulation 2021 the reason for hereby resolving to enter into negotiations with one or all of the tenderers or any other party and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with one of those parties who demonstrate a capacity and ability to undertake the works.*

3 *Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with the tenderers, and, in the event of failure of negotiations with those tenderers, any other party, with a view to entering into a contract in relation to the subject matter of the tender.*

4 *Council grant authority for the use of the Common seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.*

5 *A report describing the outcome of the procurement process be submitted to the next available Council meeting following the successful engagement of contractor or contractors highlighting the probity and governance processes for transparency.*

Following the resolution of Council, negotiations have been completed, and a revised tender offer has been received in relation to the Southern Suburbs Community Centre and Library. This report outlines the outcomes of the negotiations and recommends acceptance of a revised tender.

OUTCOME OF POST-TENDER NEGOTIATIONS

During the negotiation period, hazards associated with inappropriate use and vandalism of the existing vacant buildings was occurring on site and demolition and site preparation was identified as an appropriate risk mitigation measure. As a result, demolition of existing buildings and site preparation works was removed from the scope of the works under contract T1000125 - Southern Suburbs Community Centre, Library and Associated Works and undertaken as an early works package.

The early works contract for demolition and site preparation is currently underway and is anticipated to be completed by the end of July 2025. Further site investigations works are also currently underway to determine the extent of contamination on site and to prepare a remediation action plan for the site. This work will be undertaken either prior to the main works contract or as a variation to the main works contract.

The negotiation process identified an opportunity to undertake a value engineering process to improve value through implementing actions aimed at achieving the intended outcomes at a lower cost. This can be achieved using multiple actions and often involves substitution of materials and finishes with alternates, removal of non-essential elements, and using alternative construction methodologies.

In addition to value engineering, the scope of works was further reviewed, and it was identified that some of the proposed traffic and ancillary streetscape works are recommended for deferral at this stage whilst the Warrawong Parklands master planning exercise is undertaken.

Revised Tender

A revised scope of work under Contract N1000018 – Southern Suburbs Community Centre, Library and Associated Works was prepared including:

- Removal of streetscape works inclusive of Greene Street / King Street intersection, traffic signal modifications, Lane 127 and Lane 128 from the scope;
- Adjusted provisional sum items; and,
- Agreed value engineering options.

Grindley Constructions Pty Limited was invited to submit a revised tender based on the revised scope of works. The tender has been scrutinised and assessed by representatives of the Project Delivery Division. The assessment of the tender was in accordance with the evaluation criteria and weightings as set out in the formal tender documents.

PROPOSAL

Following negotiations undertaken in accordance with Council Resolution of 5 February 2024, this report recommends acceptance of the tender from Grindley Construction Pty Limited to carry out the Main Works – Southern Suburbs Community Centre, Library and Associated Works in accordance with the scope of works and technical specifications developed for the project.

The recommended tenderer has satisfied the Evaluation Panel representatives that it has the necessary experience and is capable of undertaking the works to Council's standards in accordance with any technical specification.

A financial capability assessment has been requested in relation to the recommended tenderer.

Referees nominated by the recommended tenderer have been contacted as part of the original expression of interest process and satisfied the Evaluation Panel regarding the contractor's standard of work and methods of operation.

CONSULTATION AND COMMUNICATION

1 Representatives of Project Delivery

2 Representatives of Negotiation Team

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Our Future Goal 4 "We are a connected and engaged community". It specifically delivers on the following:

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
4.11 Quality services, libraries and facilities are available to communities to access and gather.	Libraries

SUSTAINABILITY IMPLICATIONS

The following sustainability implications have been considered:

- Glazing and external louvres designed to minimise internal heating and cooling requirements
- Electrical design to enable Council to procure 100% renewable energy
- Future PV panel space on the roof
- Future provision for EV charging system in the carpark

- Energy efficient design including energy efficient equipment, maximising daylighting, increase in outside air rates, best practice lighting
- Energy efficient heating, ventilation and air-conditioning system
- Atrium to be used as part of the return air strategy
- No fossil fuels (i.e. gas supply) used in the building services
- Rainwater collection system and re-use to provide additional stormwater detention and reduce water consumption
- Landscaping using native species to reduce the demand for irrigation
- Heat Island Effect reduced through landscaping and reflectivity of hard surfaces
- Cycling storage provided

The project also includes public spaces such as community hall, community lounge, meeting rooms, offices, town square, arcade and carpark.

RISK MANAGEMENT

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 Framework and the *Local Government Act 1993*.

The risk of the project works or services is considered medium based upon Council's risk assessment matrix and appropriate risk management strategies will be implemented.

FINANCIAL IMPLICATIONS

It is proposed that the total project be funded from the following source/s as identified in the Operational Plan –

2025/2026 Capital Budget

2026/2027 Capital Budget

The revised tender from Grindley Construction Pty Limited is within the budget proposed in the revised Infrastructure Delivery Program

CONCLUSION

The provision of the Southern Suburbs Community Centre and Library has been part of Council's long-term planning vision for almost three-decades. A negotiation process has resulted in a favourable outcome to deliver this facility for the community through a revised tender. Grindley Construction Pty Limited have provided a satisfactory submission, and it is recommended that Council endorse the recommendations of this report.

ITEM 13 MAY 2025 FINANCIALS

The financial result for May 2025 compared to budget is favourable for the Operating Result [pre-capital] $5.9M. Funds Available from Operations was unfavourable compared to budget $1.5M and the Total Funds Result unfavourable $2M compared to budget.

The Statement of Financial Position at the end of the period indicates sufficient cash to support external restrictions.

Council has expended $76.9M on its capital works program representing 80.3% of the annual budget. The budget for the same period was $78.7M.

RECOMMENDATION

The financials be received and noted.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer
Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

1 Financial Statements - May 2025

BACKGROUND

This report presents the Financial Performance of the organisation as at 30 May 2025. The below table provides a summary of the organisation's overall financial results for the year to date.

Wollongong City Council **30 May 2025** **Forecast Position**	**Original Budget** $M **1-Jul**	**Revised Budget** $M **30-May**	**YTD Forecast** $M **30-May**	**YTD Actual** $M **30-May**	**Variation** $M
Operating Revenue	368.1	356.4	295.8	298.2	2.4
Operating Costs	(354.2)	(387.9)	(348.9)	(345.4)	3.5
Operating Result [Pre Capital]	**13.9**	**(31.5)**	**(53.1)**	**(47.2)**	**5.9**
Capital Grants & Contributions	27.5	30.0	21.3	26.9	5.6
Operating Result	**41.3**	**(1.5)**	**(31.8)**	**(20.3)**	**11.5**
Funds Available from Operations	**66.3**	**48.6**	**44.4**	**42.9**	**(1.5)**
Capital Works	**106.0**	**95.7**	**78.7**	**76.9**	**1.8**
Contributed Assets	**7.0**	**7.0**	**0.0**	**-**	0.0
Transfer to Restricted Cash	2.6	31.1	1.9	1.9	-
Borrowings Repaid	0.7	0.7	0.7	0.7	-
Funded from:					
- Operational Funds	66.3	48.6	44.4	42.9	(1.5)
- Other Funding	49.2	69.7	27.8	25.5	(2.3)
Total Funds Surplus/(Deficit)	**(0.8)**	**(16.2)**	**(9.1)**	**(11.2)**	**(2.0)**

FINANCIAL PERFORMANCE

The May 2025 Operating Result [pre-capital] deficit of $47.2M is a favourable variance of $5.9M compared to the budget deficit of $53.1M.

The Operating Result deficit of $20.3M is a favourable variance of $11.5M compared to budget.

The Funds Available from Operations result is unfavourable by $1.5M compared to phased budget. This result excludes the non-cash variations and transfers to and from Restricted Assets but includes the variation in cash payments for Employee Entitlements. This result best represents the operational budget variations that impact our funding position and current financial capacity.

The Total Funds result as at 30 May 2025 is an unfavourable variance of $2M compared to phased budget.

The Funds Available from Operations variation includes the impacts of expenditure on the April 2024 natural disaster of $1.2M that requires further clarification as to recoverability. The continuing impact of the Natural Disaster is not fully known, and work continues substantiating external funding opportunities that may be available to offset associated expenses.

At the end of May, the Capital Works Program had an expenditure of $76.9M compared to a budget of $78.7M.

FINANCIAL POSITION

Cash, Investments & Available Funds

Council's cash and investments increased during May 2025 to holdings of $201.5M compared to $176.3M at the end of April 2025. 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.

Wollongong City Council

30 May 2025

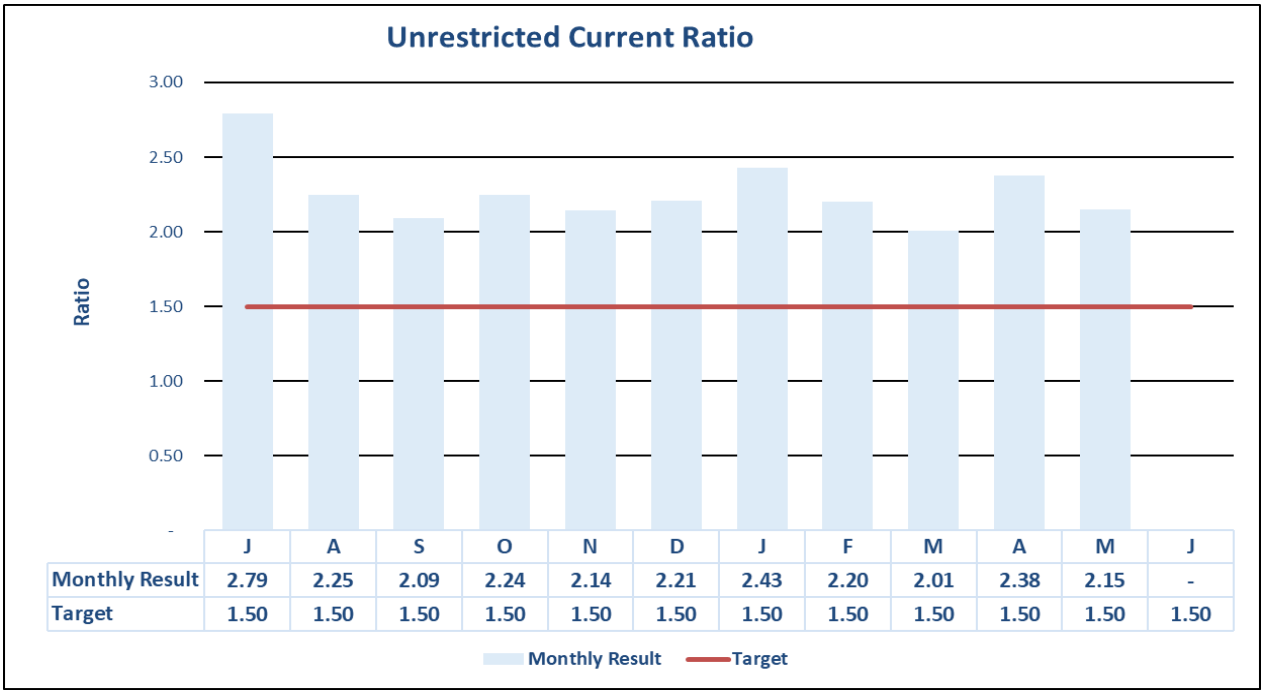
Cash, Investments and Available Funds

	Actual 2023/24	Original Budget 2024/25	Revised Budget 2024/25	Actuals YTD May 2025
	$M	$M	$M	$M
Total Cash and Investments	**179.5**	**186.1**	**206.2**	**201.5**
Less Restrictions:				
External	86.9	80.0	95.3	110.5
Internal	68.7	86.6	91.8	66.2
CivicRisk Investment	3.1			3.1
Total Restrictions	158.7	166.6	187.1	179.8
Available Cash	**20.8**	**19.5**	**19.1**	**21.7**
Adjusted for :				
Payables	(22.3)	(29.3)	(32.3)	(23.1)
Receivables	32.4	28.6	27.9	25.4
Other	10.5	(2.4)	1.9	6.4
Net Payables & Receivables	20.6	(3.1)	(2.6)	8.7
Available Funds	**41.4**	**16.4**	**16.5**	**30.4**

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 (attached).

The level of cash and investments in Council's available funds position remains above the Financial Strategy target range of 3.5% to 5.5% of operational revenue (pre-capital) illustrating long-term strength in Council's liquidity. The increase in cash and investments over the period remains closely aligned 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.



	J	A	S	O	N	D	J	F	M	A	M	J
Monthly Result	2.79	2.25	2.09	2.24	2.14	2.21	2.43	2.20	2.01	2.38	2.15	-
Target	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50

Borrowings

Council has no outstanding loans as at 30 May 2025. 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.

Infrastructure, Property, Plant & Equipment

The Statement of Financial Position shows $4.03B of Property, Plant and Equipment at net carrying value, and gross replacement cost $7B (excluding $119M in Work In Progress) that are controlled and managed by Council on behalf of the community at 30 May 2025.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Goal 4 "We are a connected and engaged community". It specifically delivers on the following:

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
4.8 Council's resources are managed effectively to ensure long term financial sustainability.	Financial Services

CONCLUSION

The financial result impacted key financial indicators at the end of May through an unfavourable result for *Total Funds Result Budget versus Actual*.

Wollongong City Council
1 July 2024 to 30 May 2025

Income Statement

	2024/25 Original Budget $'000	2024/25 Revised Budget $'000	2024/25 YTD Budget $'000	2024/25 Actual YTD $'000	Variance $'000
Income From Continuing Operations					
Revenue:					
Rates and Annual Charges	247,048	247,558	226,657	226,724	68
User Charges and Fees	39,990	38,629	35,499	37,004	1,505
Interest and Investment Revenues	6,197	10,650	9,761	9,895	135
Other Revenues	6,074	7,107	6,349	6,595	246
Rental Income	7,028	6,839	6,294	6,162	(132)
Grants & Contributions provided for Operating Purposes	33,212	17,110	15,822	16,397	575
Grants & Contributions provided for Capital Purposes	27,454	29,997	21,284	26,859	5,575
Other Income:	0	0	0	0	0
Profit/Loss on Disposal of Assets	28,516	28,516	(4,539)	(4,539)	(0)
Total Income from Continuing Operations	**395,519**	**386,407**	**317,125**	**325,096**	**7,971**
Expenses From Continuing Operations					
Employee Costs	164,095	168,714	155,248	153,124	2,124
Borrowing Costs	557	1,055	966	962	4
Materials & Services	102,189	119,539	102,522	93,466	9,057
Other Expenses	24,257	25,028	22,939	23,270	(331)
Depreciation, Amortisation + Impairment	87,113	97,803	89,496	89,648	(151)
Labour Internal Charges	(21,690)	(21,892)	(20,118)	(13,686)	(6,432)
Non-Labour Internal Charges	(2,323)	(2,305)	(2,109)	(1,378)	(731)
Total Expenses From Continuing Operations	**354,198**	**387,942**	**348,944**	**345,405**	**3,539**
Operating Result	**41,322**	**(1,535)**	**(31,820)**	**(20,309)**	**11,511**
Operating Result [pre capital]	**13,868**	**(31,533)**	**(53,103)**	**(47,168)**	**5,935**

Funding Statement

Net Operating Result for the Year	41,322	(1,535)	(31,820)	(20,309)	11,511
Add back :					
- Non-cash Operating Transactions	106,241	104,483	119,637	117,885	(1,751)
- Restricted cash used for operations	14,601	19,882	18,301	15,058	(3,244)
- Income transferred to Restricted Cash	(79,972)	(57,953)	(46,823)	(51,235)	(4,412)
Leases Repaid	(132)	(496)	(454)	(434)	20
Payment of Employee Entitlements	(15,763)	(15,763)	(14,470)	(18,105)	(3,635)
Funds Available from Operations	**66,297**	**48,618**	**44,371**	**42,859**	**(1,511)**
Loans Repaid	(656)	(656)	(656)	(657)	(1)
Advances (made by) / repaid to Council	0	0	0	0	0
Operational Funds Available for Capital Budget	**65,642**	**47,962**	**43,715**	**42,202**	**(1,512)**

Capital Budget Statement

Assets Acquired	(105,995)	(95,734)	(78,713)	(76,927)	1,786
Contributed Assets	(7,014)	(7,014)	(0)	0	0
Transfers to Restricted Cash	(2,607)	(31,123)	(1,943)	(1,943)	0
Funded From :-					
- Operational Funds	65,642	47,962	43,715	42,202	(1,512)
- Sale of Assets	3,550	32,066	2,770	2,008	(762)
- Internally Restricted Cash	13,920	12,734	10,108	8,745	(1,363)
- Borrowings	0	0	0	0	0
- Capital Grants	15,875	11,035	8,893	9,545	652
- Developer Contributions (Section 94)	5,135	5,592	4,800	4,138	(661)
- Other Externally Restricted Cash	1,547	400	370	203	(166)
- Other Capital Contributions	9,161	7,908	856	863	7
TOTAL FUNDS SURPLUS / (DEFICIT)	**(788)**	**(16,174)**	**(9,144)**	**(11,164)**	**(2,020)**

WOLLONGONG CITY COUNCIL

Statement of Financial Position

as at 30 May 2025

	YTD Actual 2024/25 $'000	Actual 2023/24 $'000
Current Assets		
Cash Assets	**49,120**	44,900
Investment Securities	**111,258**	116,457
Receivables	**25,442**	32,372
Inventories	**6,505**	6,524
Current Contract Assets	**5,964**	10,771
Other	**5,059**	3,561
Assets classified as held for sale	**0**	0
Total Current Assets	**203,348**	214,585
Non-Current Assets		
Non Current Cash Assets	**38,000**	15,000
Non Current Investment Securities	**3,117**	3,117
Non-Current Inventories	**0**	0
Property, Plant and Equipment	**4,031,122**	4,056,151
Investment Properties	**5,100**	5,100
Intangible Assets	**0**	0
Right-Of-Use Assets	**903**	1,332
Total Non-Current Assets	**4,078,242**	4,080,700
TOTAL ASSETS	**4,281,590**	4,295,285
Current Liabilities		
Current Payables	**23,130**	22,273
Current Contract Liabilities	**19,892**	12,543
Current Lease Liabilities	**65**	460
Current Provisions payable < 12 months	**17,253**	18,706
Current Provisions payable > 12 months	**42,119**	42,119
Current Interest Bearing Liabilities	**0**	657
Total Current Liabilities	**102,460**	96,758
Non-Current Liabilities		
Non Current Interest Bearing Liabilities	**0**	0
N/C Lease Liabilities	**963**	963
Non Current Provisions	**50,605**	49,685
Total Non-Current Liabilities	**51,568**	50,648
TOTAL LIABILITIES	**154,028**	147,406
NET ASSETS	**4,127,562**	4,147,879
Equity		
Accumulated Surplus	**1,502,029**	1,534,631
Asset Revaluation Reserve	**2,464,025**	2,466,361
Restricted Assets	**161,508**	146,887
TOTAL EQUITY	**4,127,562**	4,147,879

WOLLONGONG CITY COUNCIL

Cash Flows and Investments

as at 30 May 2025

	YTD Actual 2024/25 $ '000	Actual 2023/24 $ '000
Cash Flows From Operating Activities		
Receipts		
Rates & Annual Charges	229,560	232,873
User Charges & Fees	37,173	42,526
Interest & Interest Received	8,086	8,575
Grants & Contributions	59,818	68,654
Bonds, deposits and retention amounts received	148	886
Other	28,472	29,432
Payments		
Employee Benefits & On-costs	(141,364)	(142,434)
Materials & Contracts	(107,034)	(138,853)
Borrowing Costs	(43)	(127)
Bonds, deposits and retention amounts refunded	-	(1,352)
Other	(21,825)	1,578
Net Cash provided (or used in) Operating Activities	**92,991**	**101,758**
Cash Flows From Investing Activities		
Receipts		
Sale of Investments	48,649	37,813
Sale of Investment Property		
Sale of Real Estate Assets		
Sale of Infrastructure, Property, Plant & Equipment	2,008	848
Payments:		
Purchase of Investments	(65,128)	(38,090)
Purchase of Investment Property	-	
Purchase of Infrastructure, Property, Plant & Equipment	(73,249)	(98,797)
Net Cash provided (or used in) Investing Activities	**(87,719)**	**(98,226)**
Cash Flows From Financing Activities		
Payments:		
Repayment of Borrowings & Advances	(657)	(2,572)
Repayment of Finance Lease Liabilities	(395)	(431)
Net Cash Flow provided (used in) Financing Activities	**(1,052)**	**(3,003)**
Net Increase/(Decrease) in Cash & Cash Equivalents	4,220	529
plus: Cash & Cash Equivalents - beginning of year	44,900	44,371
plus: Investments on hand - end of year	152,375	134,574
Cash & Cash Equivalents and Investments - year to date	**201,495**	**179,474**

WOLLONGONG CITY COUNCIL

Cash Flows and Investments

as at 30 May 2025

	YTD Actual 2024/25 $ '000	Actual 2023/24 $ '000
Total Cash & Cash Equivalents and Investments - year to date	**201,495**	**179,474**
Attributable to:		
External Restrictions (refer below)	110,451	86,881
Internal Restrictions (refer below)	66,207	68,674
Unrestricted	24,837	23,919
	201,495	**179,474**
External Restrictions		
Developer Contributions	72,026	55,949
RMS Contributions	586	422
Specific Purpose Unexpended Grants	17,638	11,730
Special Rates Levy Wollongong Mall	1,063	962
Special Rates Levy Wollongong City Centre	94	94
Local Infrastructure Renewal Scheme	-	-
Unexpended Loans	969	924
Domestic Waste Management	5,862	5,321
Private Subsidies	7,513	6,943
Housing Affordability	3,114	3,029
Stormwater Management Service Charge	1,586	1,507
Total External Restrictions	**110,451**	**86,881**
Internal Restrictions		
Property Investment Fund	5,616	5,396
Strategic Projects	31,822	32,991
Sports Priority Program	844	524
Car Parking Stategy	1,371	1,223
MacCabe Park Development	2,177	2,040
Darcy Wentworth Park	18	18
Garbage Disposal Facility	7,337	10,854
West Dapto Development	16,344	14,927
Natural Areas	173	173
Lake Illawarra Estuary Management Fund	505	528
Total Internal Restrictions	**66,207**	**68,674**

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.

ITEM 14 STATEMENT OF INVESTMENT - MAY 2025

This report provides an overview of Council's investment portfolio performance for the reporting period May 2025.

Council had an average weighted return for May 2025 of 0.47% which was above the benchmark return of 0.34%. The result was primarily due to the positive valuations on the consolidated Floating Rate Notes and on the consolidated NSW TCorp investments. The remainder of Council's portfolio continues to provide a high degree of credit quality and liquidity.

RECOMMENDATION

Council receive the Statement of Investment for May 2025.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer
Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

1 Statement of Investment - May 2025
2 Investment Income Compared to Budget 2024-2025

ACRONYMS USED IN REPORT

Abbreviation	Meaning
CBA	Commonwealth Bank of Australia
Order	Ministerial Investment Order
RBA	Reserve Bank of Australia

BACKGROUND

Council staff monitor Council's cash flow on a daily basis and mandated to invest surplus funds in accordance with the Ministerial Investment Order and Office of Local Government guidelines. The Order reflects a conservative investment approach and restricts investment types available to Council. In compliance with the Order and Office of Local Government guidelines, Council adopted an Investment Policy on 12 December 2022. The Investment Policy provides a framework for Council to manage investment credit quality, institutional diversification and maturity constraints. Council's investment portfolio was controlled by Council's Finance Division during the period and has remained in compliance with the Investment Policy. Council's Audit, Risk and Improvement Committee provide oversight of Council's Investment Policy and Investment Management Strategy.

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

Council's investment holdings at 30 May 2025 were $203,124,346 (Statement of Investment attached) [31 May 2024 $173,805,627] and includes Council's interest in CivicRisk Mutual Ltd recognised at fair value as at 30 June 2024.

Council had an average weighted return for May 2025 of 0.47% which was above the benchmark return of 0.34%. The result was primarily due to the positive valuations on the consolidated Floating Rate Notes and on the consolidated NSW TCorp investments. The remainder of Council's portfolio continues to provide a high degree of credit quality and liquidity. The remainder of Council's portfolio continues to provide a high degree of credit quality and liquidity. The global markets are experiencing levels of volatility in interest rates driven primarily by the persistent inflation issues from geo-political trade tensions.

Australia's annual inflation rate is holding steady at 2.4% and inside the Reserve Bank's 2-3% target range, however, the Reserve Bank of Australia (RBA) is expected to hold its current cautious approach to markets and closely monitoring inflation trends and economic conditions. The RBA Board will meet eight times each year effective from February 2024, in order to spread monetary policy decisions across fewer meetings and allow the Board to gather more information. At their May 2025 meeting, the RBA decided to lower the cash rate target by 25 basis points from 4.10 per cent to 3.85 per cent. Rates available to Council on purchased investments are assessed regularly and across credit and maturity spread to maximise returns on committed capital.

At 30 May 2025, year to date interest and investment revenue of $8,741,083 was recognised compared to the year to date proposed budget of $8,593,839.

Council's 21 Floating Rate Notes had a net increase in value of $128,940 for May 2025.

Council holds two Mortgaged Backed Securities that recorded a net decrease in value of $16,529 for May 2025. The market value of this security considers the extended term of the security with limited liquidity and the coupon margin reflects pre-Global Financial Crisis pricing. While the maturity dates are outside Council's control, the investment advisors had previously indicated capital is not at risk at this stage and recommended a hold strategy due to the illiquid nature of the investment.

Council holds two investments within the NSW TCorpIM Funds; Long-Term Growth Fund and Medium-Term Growth Fund. The Long-Term Growth Fund recorded a net increase in value of $193,198 and the Medium-Term Growth Fund recorded a net increase in value of $123,643 in May 2025. The fluctuations in both the Long-Term Growth and Medium-Term Growth Funds are a reflection of the current share market volatility both domestically and internationally and is diversified across a number of different asset classes with differing risk and return characteristics.

The current Investment Policy sets a 40% maximum exposure limit to individual institutions within the AAA category. This limit is currently considered to include funds held within the Commonwealth Bank of Australia (CBA), savings account which holds Council's operating cash balances. At the end of May 2025, the exposure to CBA was 20.63%, which is below the investment strategy target of 25%.

The current investment portfolio complies with Council's Investment Policy which was endorsed by Council on 12 December 2022. Council's Responsible Accounting Officer has signed the Statement of Investment contained within the report, certifying all investments were made in accordance with the *Local Government Act 1993* and the *Local Government Regulation 2005.*

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Goal 4 "We are a connected and engaged community". It specifically delivers on the following:

Community Strategic Plan 2032		Delivery Program 2022-2026
Strategy		Service
4.8	Council's resources are managed effectively to ensure long term financial sustainability.	Financial Services

CONCLUSION

The investments for May 2025 recorded an average weighted return that was above the AusBondBank Bill Index Benchmark and performed favourably when compared to the year-to-date budget.

WOLLONGONG CITY COUNCIL
STATEMENT OF INVESTMENT
30 May 2025

DIRECT INVESTMENTS

Investment Body	Rating	Purchase Price $	Fair Value of Holding $	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
CBA Business Online Saver	A1+	-	39,116,901	BOS A/c	30/05/2025	30/05/2025	4.35%
CBA General Fund A/c	A1+	-	11,631,348	General A/c	30/05/2025	30/05/2025	4.35%
NAB General Fund A/c	A1+	-	842	General A/c	30/05/2025	30/05/2025	
Summerland Bank	Unrated ST UR	250,000	250,000	T/Deposit	6/06/2024	6/06/2025	5.36%
Bank of Queensland Ltd	Moodys A3	2,000,000	2,000,000	T/Deposit	30/06/2023	30/06/2025	5.50%
Westpac Banking Corporation Ltd	S&P AA-	2,000,000	2,000,000	T/Deposit	30/06/2023	30/06/2025	5.35%
IMB Ltd	Moodys ST P-2	2,000,000	2,000,000	T/Deposit	26/03/2025	3/07/2025	4.75%
Bank of Sydney Ltd	Unrated ST UR	250,000	250,000	T/Deposit	11/12/2024	9/07/2025	5.00%
Rabobank Australia Ltd	S&P ST A1	2,000,000	2,000,000	T/Deposit	10/07/2024	10/07/2025	5.43%
Rabobank Australia Ltd	S&P A+	2,000,000	2,000,000	T/Deposit	23/08/2024	25/08/2025	4.94%
National Australia Bank Ltd	S&P ST A1+	2,000,000	2,000,000	T/Deposit	28/08/2024	28/08/2025	5.00%
Judo Bank	S&P ST A2	2,000,000	2,000,000	T/Deposit	17/09/2024	17/09/2025	4.60%
National Australia Bank Ltd	S&P AA-	3,000,000	3,000,000	T/Deposit	20/09/2024	22/09/2025	4.90%
Auswide Bank Limited	Moodys ST P-2	2,000,000	2,000,000	T/Deposit	15/01/2025	15/10/2025	5.00%
Westpac Banking Corporation Ltd	S&P AA-	3,000,000	3,000,000	T/Deposit	25/11/2022	25/11/2025	4.59%
Bank of Queensland Ltd	S&P ST A2	4,000,000	4,000,000	T/Deposit	2/12/2024	2/12/2025	5.03%
Coastline Credit Union Ltd	Unrated ST UR	250,000	250,000	T/Deposit	5/12/2024	5/12/2025	5.15%
Rabobank Australia Ltd	S&P ST A1	3,000,000	3,000,000	T/Deposit	23/05/2025	23/01/2026	4.31%
Westpac Banking Corporation Ltd	S&P AA-	2,000,000	2,000,000	T/Deposit	20/09/2024	20/04/2026	4.62%
ING Bank Australia Limited	S&P A	5,000,000	5,000,000	T/Deposit	13/03/2025	13/05/2026	4.69%
Westpac Banking Corporation Ltd	S&P AA-	2,000,000	2,000,000	T/Deposit	30/06/2023	30/06/2026	5.19%
ING Bank Australia Limited	S&P A	2,000,000	2,000,000	T/Deposit	20/09/2024	20/07/2026	4.46%
ING Bank Australia Limited	S&P A	2,000,000	2,000,000	T/Deposit	15/01/2025	15/12/2026	4.84%
Rabobank Australia Ltd	S&P A+	3,000,000	3,000,000	T/Deposit	23/05/2025	21/05/2027	4.16%
Westpac Banking Corporation Ltd	S&P AA-	2,000,000	2,000,000	T/Deposit	30/06/2023	30/06/2027	5.09%
Rabobank Australia Ltd	S&P A+	3,000,000	3,000,000	T/Deposit	23/05/2025	23/05/2028	4.32%
Westpac Banking Corporation Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	22/12/2023	22/12/2028	4.90%
ING Bank Australia Limited	S&P A	3,000,000	3,000,000	T/Deposit	21/02/2024	21/02/2029	5.19%
Rabobank Australia Ltd	S&P A+	3,000,000	3,000,000	T/Deposit	23/05/2025	23/05/2029	4.58%
ING Bank Australia Limited	S&P A	4,000,000	4,000,000	T/Deposit	15/01/2025	15/01/2030	5.08%
Rabobank Australia Ltd	S&P A+	4,000,000	4,000,000	T/Deposit	12/02/2025	12/02/2030	5.10%
Rabobank Australia Ltd	S&P A+	2,000,000	2,000,000	T/Deposit	26/03/2025	26/03/2030	5.01%
Rabobank Australia Ltd	S&P A+	3,000,000	3,000,000	T/Deposit	23/05/2025	23/05/2030	4.74%
Total			**125,499,091**				

WOLLONGONG CITY COUNCIL
STATEMENT OF INVESTMENT
30 May 2025 continued

Bond and Floating Rate Note Securities

DIRECT INVESTMENTS

Investment Body	Rating	Purchase Price $	Fair Value of Holding $	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
Bendigo & Adelaide Bank Ltd	S&P A-	1,700,000	1,719,193	FRN	2/12/2020	2/12/2025	4.64%
Macquarie Bank Ltd	S&P A+	6,500,000	6,569,745	FRN	11/03/2022	9/12/2025	4.59%
Suncorp Bank (Norfina Ltd) - Subsidiary of ANZ	S&P AA-	2,100,000	2,100,861	FRN	24/02/2021	24/02/2026	4.58%
Newcastle Greater Mutual Group Ltd	S&P BBB+	5,000,000	5,050,350	FRN	4/03/2021	4/03/2026	4.75%
ANZ Banking Group Ltd	S&P AA-	2,500,000	2,530,900	FRN	31/03/2023	31/03/2026	4.96%
Teachers Mutual Bank Ltd	Moodys Baa1	1,100,000	1,110,604	FRN	16/06/2021	16/06/2026	4.79%
ANZ Banking Group Ltd	S&P AA-	2,500,000	2,537,150	FRN	11/09/2023	11/09/2026	4.86%
Macquarie Bank Ltd	S&P A+	4,000,000	4,060,520	FRN	14/09/2023	14/09/2026	4.96%
Suncorp Bank (Norfina Ltd) - Subsidiary of ANZ	S&P AA-	3,750,000	3,781,163	FRN	15/09/2021	15/09/2026	4.59%
QPCU LTD t/a QBANK	S&P BBB-	2,000,000	2,046,300	FRN	18/09/2023	18/09/2026	5.76%
Illawarra Credit Union Ltd	S&P BBB-	2,500,000	2,528,300	FRN	20/09/2023	21/09/2026	5.81%
Suncorp Bank (Norfina Ltd) - Subsidiary of ANZ	S&P AA-	1,500,000	1,511,940	FRN	11/03/2022	25/01/2027	5.07%
ANZ Banking Group Ltd	S&P AA-	3,500,000	3,537,415	FRN	12/05/2022	12/05/2027	5.17%
Suncorp Bank (Norfina Ltd) - Subsidiary of ANZ	S&P AA-	3,000,000	3,029,400	FRN	24/11/2023	24/05/2027	5.23%
Cooperatieve Rabobank U.A Australia Branch	S&P A+	2,500,000	2,540,800	FRN	19/01/2023	19/01/2028	5.13%
Beyond Bank Australia Ltd	Moodys Baa1	2,500,000	2,530,975	FRN	21/03/2025	21/03/2028	5.26%
ANZ Banking Group Ltd	S&P AA-	2,500,000	2,548,725	FRN	31/03/2023	31/03/2028	5.19%
Emerald Reverse Mortgage Trust	Unrated UR	314,548	251,962	MBS	17/07/2006	30/06/2028	4.59%
ANZ Banking Group Ltd	S&P AA-	2,100,000	2,137,506	FRN	11/09/2023	11/09/2028	5.04%
Westpac Banking Corporation Ltd	S&P AA-	3,500,000	3,561,250	FRN	19/09/2023	19/09/2028	5.04%
National Australia Bank Ltd	S&P AA-	4,000,000	4,177,320	FRN	16/11/2023	16/11/2028	5.40%
Cooperatieve Rabobank U.A Australia Branch	S&P A+	3,000,000	3,158,940	FRN	21/11/2023	21/11/2028	5.71%
Emerald Reverse Mortgage Trust	Unrated UR	2,000,000	1,302,220	MBS	17/07/2006	21/08/2056	4.89%
Total			**64,323,539**				

Managed Funds & Other

MANAGED FUNDS

Investment Body	Rating	Purchase Price $	Fair Value of Holding $	Purchase Date	Monthly Return (Actual)	FYTD (Actual)
Tcorp Long Term Growth Facility Fund	N/A		**4,624,069**	13/06/2007	3.01%	10.25%
Tcorp Medium Term Growth Facility Fund	N/A		**5,560,647**	26/10/2021	1.53%	6.81%
Total			**10,184,716**			

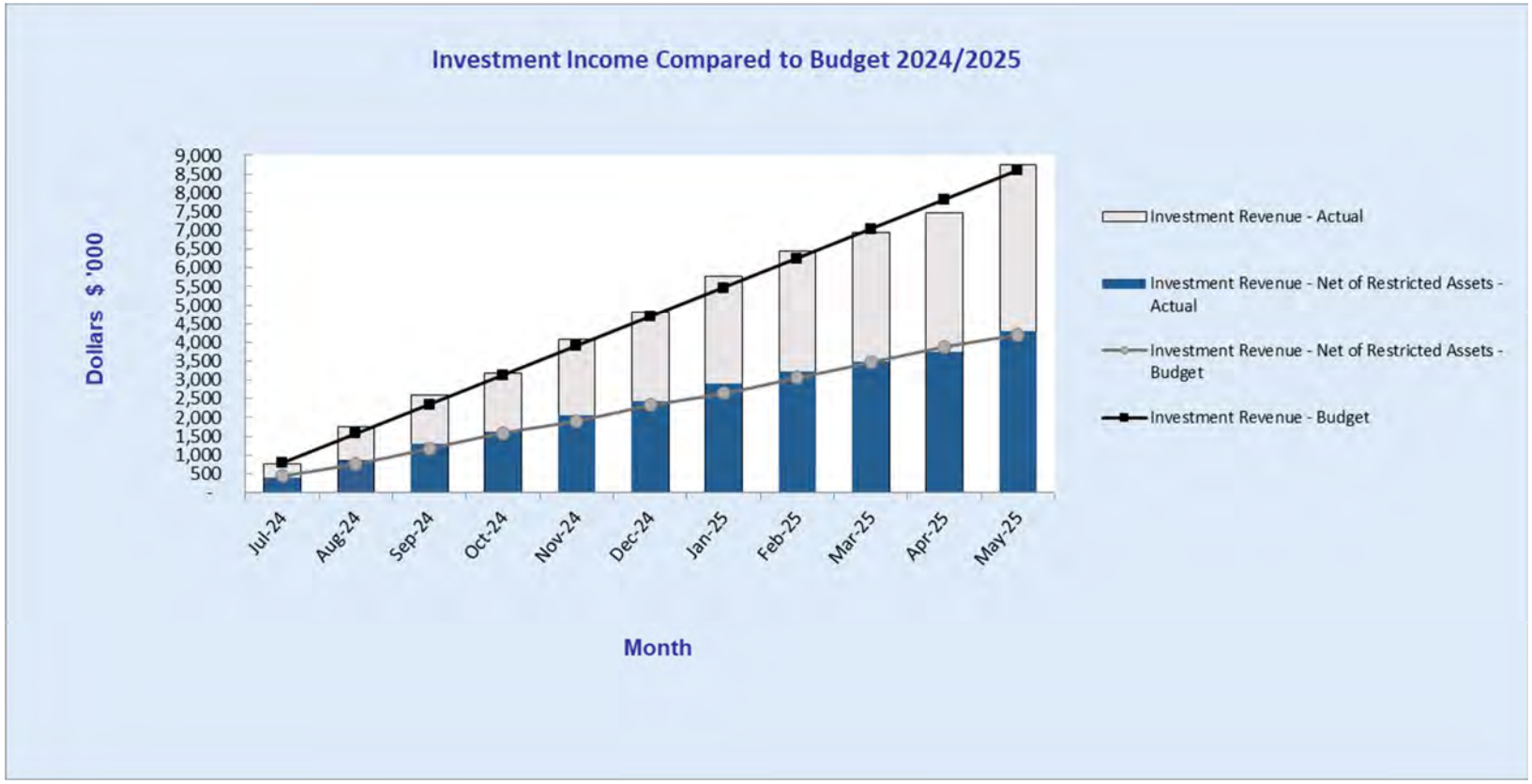
Membership interest in Investment Body			Fair Value of Holding $
CivicRisk Mutual Limited	N/A		**3,117,000**

TOTAL INVESTMENTS	**$**	**203,124,346**

* The maturity date provided is the weighted-average life of the security. This is the average amount of time that will elapse from the date of security's issuance until each dollar is repaid based on an actuarial assessment. Assessments are carried out on a regular basis which can potentially extend the life of the investment. Current assessments anticipate an extension of life of the investment.

This is to certify that all of the above investments have been placed in accordance with the Act, the regulations and Council's Investment Policies.

Brian Jenkins
RESPONSIBLE ACCOUNTING OFFICER


Investment Income Compared to Budget 2024/2025
Dollars $ '000
9,000
8,500
8,000
7,500
7,000
6,500
6,000
5,500
5,000
4,500
4,000
3,500
3,000
2,500
2,000
1,500
1,000
500
-
Jul-24
Aug-24
Sep-24
Oct-24
Nov-24
Dec-24
Jan-25
Feb-25
Mar-25
Apr-25
May-25
Month
Investment Revenue - Actual
Investment Revenue - Net of Restricted Assets - Actual
Investment Revenue - Net of Restricted Assets - Budget
Investment Revenue - Budget