



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held at 6:00 PM on

Monday 18 March 2024

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

QUORUM – 7 MEMBERS TO BE PRESENT

Statement of Ethical Obligations

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

OATH OR AFFIRMATION OF OFFICE

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

CONFLICTS OF INTEREST

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

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

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

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 26 February 2024

Present

Lord Mayor – Councillor Gordon Bradbery AM (in the Chair)
Deputy Lord Mayor – Councillor Tania Brown
Councillor Ann Martin
Councillor Cath Blakey
Councillor David Brown
Councillor Dom Figliomeni (attended via audio-visual link)
Councillor Elisha Aitken

Councillor John Dorahy
Councillor Linda Campbell
Councillor Mithra Cox
Councillor Richard Martin

In Attendance

General Manager
Director Infrastructure + Works, Connectivity Assets + Liveable City
Director Planning + Environment, Future City + Neighbourhoods
Director Corporate Services, Connected + Engaged City
Director Community Services, Creative + Innovative City
Chief Financial Officer
Chief Digital + Information Officer
Manager Development Assessment and Certification (attended via audio-visual link)
Manager Commercial Operations + Property
Manager City Strategy
Manager Regulation + Enforcement
Manager Infrastructure Strategy + Planning (Acting)
Manager Open Space + Environmental Services (attended via audio-visual link)
Manager Community Cultural + Economic Development
Manager People + Culture

Greg Doyle
Joanne Page
Linda Davis
Renee Campbell
Kerry Hunt
Brian Jenkins
Ingrid McAlpin
Mark Adamson
Lani Richardson
Chris Stewart
Corey Stoneham
Nathan McBriarty
Paul Tracey
Sue Savage
Renee Whiteside

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.

Note: Council resolved on 5 February 2024 to grant Councillor Kershaw a leave of absence from 5 February 2024 to 19 March 2024.

Note: Council resolved on 5 February 2024 to grant Councillor Walters a leave of absence for 26 February 2024.

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CLOSED SESSION

ITEM C1	CONFIDENTIAL: Proposed Acquisition Part Lot 1 in DP 111846 - 414 West Dapto Road Stream Hill
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Reason for Confidentiality

This report recommends that this item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2)(c) (d(i)) of the Local Government Act, 1993, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 5 FEBRUARY 2024

- 922 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Aitken that the Minutes of the Ordinary Meeting of Council held on Monday, 5 February 2024 (a copy having been circulated to Councillors) be taken as read and confirmed.

PRESENTATION – KOREAN HEALTHY CITIES ORGANISATION

Councillor Tania Brown presented an artwork scroll gifted to the City by the Korean Healthy Cities Organisation during their visit to the region.

CALL OF THE AGENDA

- 923 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the staff recommendations for Items 2 and then 4 to 8 inclusive be adopted as a block.

ITEM A - LORD MAYORAL MINUTE - LAKE ILLAWARRA ENTRANCE OPTIONS STUDY

- 924 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that -
- 1 Wollongong City Council receive an interim update from staff on the Lake Illawarra Entrance Options Study.
 - 2 Information on the status of the Lake Illawarra Entrance Options Study be updated and made publicly available through Council's webpage.
 - 3 Council staff continue to monitor erosion and address community concerns about the impact of erosion on Lake Illawarra foreshore and Council assets.

ITEM 1 - DRAFT QUARTERLY REVIEW STATEMENT DECEMBER 2023

- 925 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Dorahy that the draft Quarterly Review Statement December 2023 be adopted.

ITEM 2 - POLICY REVIEW - FIRE SAFETY COUNCIL POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 923)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Aitken that the amended Fire Safety Council Policy be adopted by Council.

ITEM 3 - POLICY REVIEW - DOGS ON BEACHES AND PARKS POLICY

- 926 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Aitken seconded Councillor R Martin that the amended Dogs on Beaches and Parks Policy be adopted by Council and removing the typographical error on page 128 of the Council Business Paper “approx. 50 meters south of Bulli Surf Life Saving Club”.

ITEM 4 - IMPLEMENTATION OF THE OFFICE OF LOCAL GOVERNMENT RISK MANAGEMENT AND INTERNAL AUDIT FOR LOCAL GOVERNMENT GUIDELINES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 923)

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

- 1 The Internal Audit Charter be adopted by Council.
- 2 The Audit Risk and Improvement Committee Terms of Reference be adopted by Council.
- 3 The current terms of appointment for Councillor Tania Brown and Councillor Dom Figliomeni as members of the Audit Risk and Improvement Committee conclude on 30 June 2024.
- 4 Council appoint a Councillor as a non-voting Councillor observer to the Audit Risk and Improvement Committee for the period from 1 July 2024 to 13 September 2024.

ITEM 5 - PROPOSED COMPULSORY ACQUISITION - PROPOSED LOTS 301 AND 302 IN PLAN OF ACQUISITION DP 1265107 PART LOT 1 DP 1264683 - WONGAWILLI ROAD, WEST DAPTO ROAD AND SHONE AVENUE, WONGAWILLI FOR ROAD WIDENING PURPOSES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 923)

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

- 1 Council continues to negotiate with the owner of Lot 1 in DP 1264683 for the purposes of acquiring Proposed Lot 301 comprising an area of 103m² and Proposed Lot 302 comprising an area of 505.7m² in DP 1265107 for road widening purposes in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*, with authority being delegated to the General Manager to complete those negotiations.
- 2 In the event an agreement to acquire Proposed Lots 301 and 302 cannot be reached within a reasonable timeframe, (being at least a minimum period of six months from opening negotiation correspondence) then Council authorise the Compulsory Acquisition of Proposed Lots 301 and 302 in DP 1265107 by authority contained within section 177 of the *Roads Act 1993* via compulsory process pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991*, for the purposes of road widening.
- 3 The necessary applications relating to the compulsory acquisition, for Proposed Lots 301 and 302 including compensation determination be made to the Minister for Local Government and the Governor.
- 4 Upon acquisition being finalised, Council dedicate Proposed Lots 301 and 302 as public road, pursuant to section 10 of the *Roads Act 1993*.
- 5 Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition of Proposed Lots 301 and 302, in accordance with its obligations under the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 6 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 6 - TENDER T1000130 - COASTAL HAZARDS STUDIES FOR WOLLONGONG COAST

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 923)

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

- 1 a In accordance with Section 178(1)(b) of the *Local Government (General) Regulation 2021*, Council decline to accept any of the tenders received for Coastal Hazards Studies for Wollongong Coast and resolve to enter into negotiations with one or all tenderers or any other party with a view to entering into a contract in relation to the subject matter of the tender.
- b In accordance with Section 178(4) of the *Local Government (General) Regulation 2021*, the reason for Council hereby resolving to enter into negotiations with 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.
- 2 Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with the satisfactory 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.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 7 - LOCAL TRAFFIC COMMITTEE LEGISLATION CHANGES - ROAD CLOSURES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 923)

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

- 1 Council notes the temporary changes by TfNSW to the delegation of powers under the Roads Act 1993.
- 2 Council sub-delegates the authority to regulate traffic for temporary road closures to the General Manager in accordance with *Traffic Management and Pedestrian Works Temporary Delegation to Councils No.2, 2023*.

ITEM 8 - NOTICE OF MOTION - COUNCILLOR DOM FIGLIOMENI - NSW ROAD RULES LEGISLATION 2014

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 923)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Council write to the Minister for Transport to request a review of Section 200 of NSW Road Rules 2014 Legislation to allow caravans longer than 7.5 metres to stop on a road in a built-up area for up to 24 hours.

DEPARTURE OF COUNCILLOR

Councillor Blakey departed the meeting at 6:31 pm prior to the debate and voting on Item C1, and didn't return to the chambers.

CLOSED COUNCIL SESSION

The Lord Mayor called for a motion to close the meeting to consider a Confidential Item, which deals with a report to Council regarding proposed acquisition of land on West Dapto Road, Stream Hill for open space purposes.

Prior to putting the Motion to the vote, the Lord Mayor advised the meeting that Item C1 relates to a report to Council regarding the proposed compulsory acquisition of land on West Dapto Road, Stream Hill for road widening purposes and that it is classified as Confidential for the following reasons –

Section 10A(2)(c) (d(ii)) of the Local Government Act, 1993, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

- 1 The meeting move into Closed Session to consider a report to Council regarding the proposed compulsory acquisition of land on West Dapto Road, Stream Hill for road widening purposes in accordance with Section 10A (2)(c) (d(ii)) of the Local Government Act 1993, which permits the meeting to be closed to the public as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- 2 On balance, the public interest in preserving the confidentiality of the information supplied outweighs the public interest in openness and transparency in Council decision-making by discussing the matters in open meeting.

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

The meeting moved into Closed Session, the time being 6:32 pm.

ITEM C1 - PROPOSED ACQUISITION PART LOT 1 IN DP 111846 - 414 WEST DAPTO ROAD STREAM HILL

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

- 1 Council acquires by authority contained within Section 186 of the *Local Government Act 1993*, part Lot 1 in DP 1118463, 414 West Dapto Road, Stream Hill (Proposed Lot 203) for the purposes of Open Space.
- 2 Council authorises the proposed Strategic Land Acquisition of Part Lot 1 in DP 1118463 being the E1 Zoned (Local Centre) portion of the Property.
- 3 The General Manager be delegated authority to finalise the negotiations in respect to the acquisitions including the compensation amount payable and be authorised to sign any documentation to give effect to this transaction.
- 4 In the event that agreement cannot be reached to acquire Proposed Lot 203 within a reasonable timeframe (being at least a minimum period of six months from opening negotiation correspondence) then Council be authorised if deemed necessary to make application to the Minister for Local Government and the Governor to acquire Proposed Lot 203 by compulsory acquisition pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991* by authority contained within Section 186 of the *Local Government Act 1993*.
- 5 Council be responsible for all costs including valuation, transfer and legal costs

associated with the transaction, in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

- 6 Upon acquisition being finalised, the land known as part Lot 1 in DP 1118463, Proposed Lot 203 and the E1 Zoned (Local Centre) portion of the property be classified as Operational Land pursuant to the *Local Government Act 1993*.
- 7 Council allocates funds for the purchase of the E1 Zoned (Local Centre) portion (excluding the road widening component) of the Property from the Property Investment Restricted Account. The funding for the proposed purchase of essential infrastructure land is West Dapto Developer Contributions. Current estimates included in the West Dapto Contributions Plan will require adjustment in the next review to reflect actual costs.
- 8 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.

929 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Campbell seconded Councillor T Brown that the meeting move out of Closed Session and into Open Council.

Council resumed into Open Session at 6.39 pm

OPEN COUNCIL SESSION

RESOLUTIONS FROM THE CLOSED SESSION OF COUNCIL

The Lord Mayor advised the meeting of the Council's Resolutions whilst in Closed Session (refer Minute Number 928).

THE MEETING CONCLUDED AT 6.43 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 18 March 2024.

Chairperson

ITEM A

LORD MAYORAL MINUTE - JOSEPH MARCEAU - WOLLONGONG CONNECTION TO QUEBEC, CANADA

Wollongong has a fascinating historic and largely unknown connection with Quebec, Canada. Joseph Marceau was a French-Canadian revolutionary who was transported as a convict to NSW in late 1839 with 57 compatriots for their rebellion against the British Empire. In 1844, they were pardoned by Queen Victoria and permitted to return home however Marceau stayed and became farmer at West Dapto. He is buried at West Dapto Catholic Cemetery.

Joseph Marceau's quest is seen as an important part of the evolution of responsible government and parliamentary democracy in Canada and Australia. The unveiling of a plaque for Mr Marceau at West Dapto Catholic Cemetery in 2022 was attended by many of his descendants, Canadian dignitaries and Consul General of Canada in Sydney.

RECOMMENDATION

That Wollongong City Council -

- 1 Recognise the historic connection between Wollongong and Quebec, Canada through Mr Joseph Marceau, a French-Canadian patriot who is buried at West Dapto Catholic Cemetery.
- 2 Investigate opportunities to formalise and progress the connection between Wollongong, Quebec, Canada and with Mr Marceau's original home town of Saint-Cyprien-de-Napierville.

ATTACHMENTS

There are no attachments for this report.

ITEM 1

PUBLIC EXHIBITION - CLEVELAND ROAD NEIGHBOURHOOD PLAN BOUNDARY REVIEW

On 27 November 2023, Council considered the post exhibition report on the Cleveland Road Planning Proposal and resolved (in part) to review the Cleveland Road Neighbourhood Plan boundary contained in the Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area.

A review of the Cleveland Road Neighbourhood Plan precinct boundary has occurred, and it is recommended that the Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area be amended to divide the area into three smaller Neighbourhood precincts.

RECOMMENDATION

- 1 The Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area Figure 17 be amended to show the Cleveland Road Neighbourhood Plan boundary as three smaller Neighbourhood Plan precincts (Attachment 3), that still achieve Neighbourhood Planning objectives.
- 2 The draft Development Control Plan amendment be exhibited for a minimum period of 28 days.
- 3 Following the exhibition, a report on submissions be presented to Council for consideration and finalisation of the Development Control Plan amendment.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Current Figure 17 Defined Neighbourhoods in West Dapto
- 2 Review Summary
- 3 Proposed Draft Figure 17

BACKGROUND

The West Dapto Urban Release Area (WDURA) covers an area of approximately 4,700 hectares and is currently proposed to house a population of 56,500 people in an additional 19,500 dwellings. To support jobs in the region an additional 175 hectares of employment lands will be created when fully developed. West Dapto is the last remaining area for large scale urban development in the Wollongong Local Government Area.

The NSW Department of Planning, Housing and Infrastructure has identified West Dapto as a priority urban release area to provide housing supply for the expected regional population growth. The WDURA is identified in the Illawarra Shoalhaven Regional Plan 2041 as West Lake Illawarra Growth Area.

Stages 1 and 2 of the WDURA were rezoned in 2010. The first two stages (estimated 6,346 lots) are now significantly progressed with 10 Neighbourhood Plans approved (3,982 lots), and another two draft Neighbourhood Plans under assessment (2,027 lots). The subdivision of land to create 2,055 lots has been approved within the first two stages. Subsequently, Stage 5 (Yallah / Marshall Mount) and parts of Stages 3 and 4 have been rezoned to permit urban development. Almost 12,000 lots are zoned for development, of which some 8,000 lots can be serviced and some 5,200 lots have had Neighbourhood Plans approved. Since 2010, approximately 2,300 lots have been developed and released for housing.

On 27 November 2023, Council resolved to finalise the rezoning of a large portion of the Cleveland Road precinct (within Stage 3), for an estimated 2,275 dwellings. A phase 2 rezoning within the Cleveland Road precinct will be progressed through a subsequent Council report following further consideration of the flood constraints.

The Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area Figure 17 currently shows Stage 3 being covered by two Neighbourhood Plans (Attachment 1) -

- 1 Cleveland Road precinct – covering land subject to the Planning Proposal exhibited in 2023 and reported to Council on 27 November 2023, with phase 1 endorsed to be finalised.
- 2 Cleveland Road West precinct – covering the land rezoned in 2019 and currently being developed by Stocklands, and the rural zoned land to the west adjoining the Huntley Neighbourhood.

This report addresses the Cleveland Road Neighbourhood Plan precinct.

The Cleveland Road Neighbourhood Plan precinct covers 369 hectares, which is the largest precinct in the WDURA and could contain 3,000 dwellings. The land is currently owned by 13 landowners, including Council. The owners are combined into 4 landholder groups which cover the majority of the precinct.

During the preparation of the Cleveland Road Planning Proposal, it became apparent that the landowners have differing priorities and development programs which pose a significant challenge to the orderly development of the precinct.

To address this issue and facilitate the timely delivery of housing, the report considered by Council on 27 November 2023 recommended a review of the existing Cleveland Road boundary. Council resolved (in part) that -

- 1 *The Cleveland Road Neighbourhood Plan boundary in the Wollongong DCP 2009 – Chapter D16 West Dapto Release Area be reviewed to determine if there is an opportunity to establish more practical boundary/s in this location that would still achieve the objectives that underpin neighbourhood planning. A further report will be presented to Council for endorsement should a change be recommended.*

PROPOSAL

Council officers undertook a review of the Cleveland Road precinct (summarised in Attachment 2). Seven options and variations were considered -

Neighbourhood Plan Options	Number of Neighbourhoods
1 No change – retain the single Cleveland Road boundary	1
2 By ownership / representation	6
3 By landuse (eg residential, village centre, business park)	3
4 A north-south split along Cleveland Road	2
a North-south split with a variation	3
5 An East - West split to align with infrastructure delivery	2
a East-west split with a different boundary	2
6 By drainage sub-catchments	6
7 Combination 1 – considering ownership and Cleveland Road	5
a Combination 2 – considering ownership and Cleveland Road	6
b Combination 3 – considering ownership and Cleveland Road (Preferred option)	3

Issues considered -

- The size of each neighbourhood and whether it would achieve neighbourhood planning objective of providing meaningful guidance at a precinct level.
- The number of neighbourhoods -
 - The more neighbourhood plans to consider, the more resources required to manage, report, exhibit.

- Developers in other parts of the West Dapto Release Area are lodging Concept Development Applications to avoid the Neighbourhood Plan process, especially where multiple ownerships are involved.
- Sydney Water sewerage services being delivered from the east to west along Cleveland Road.
- Council's upgrading of Cleveland Road being proposed to begin in the east at Fowlers Road, and moving westwards.
- Management of stormwater, and the need for integrated drainage outcomes.
- Landownership and current development options / representations.

Option 7b to divide the current Neighbourhood Plan area into 3 residential precincts is the preferred model. Under this option the proposed E3 Productivity Support Business Park does not require a Neighbourhood Plan, as it is a standalone site.

To implement the change, Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area Figure 17 requires updating (Attachment 3).

It is recommended that Council endorse the exhibition of the draft revised Figure 17 to enable landowner, stakeholder and community input. The draft amendment would be exhibited for a minimum period of 28 days.

CONSULTATION AND COMMUNICATION

The review of Cleveland Road Neighbourhood Plan boundaries was undertaken by Council officers.

The landowner/developer group was advised of the review and the preferred option. The landowner/developer group are generally supportive of the preferred option.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1. It specifically delivers on the following -

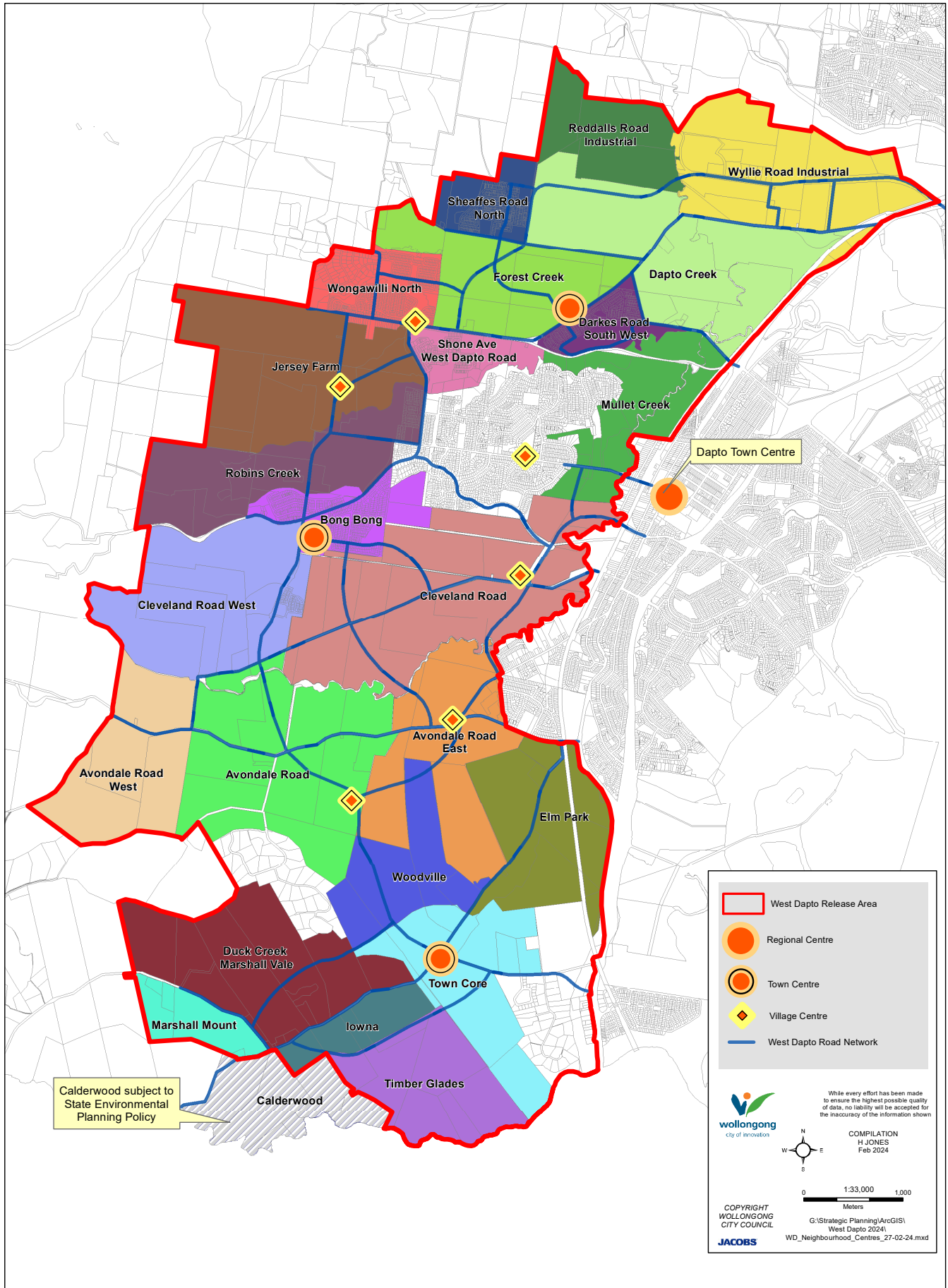
Community Strategic Plan 2032		Delivery Program 2022-2026
Strategy		Service
1.6	West Dapto urban growth is effectively managed with facilities and spaces to support the future community.	Land Use Planning

CONCLUSION

A review of the Cleveland Road Neighbourhood Plan precinct boundary recommends that the precinct be divided into three small Neighbourhood Plan areas to create more manageable areas, assist with the delivery of housing while still achieving neighbourhood scale outcomes.

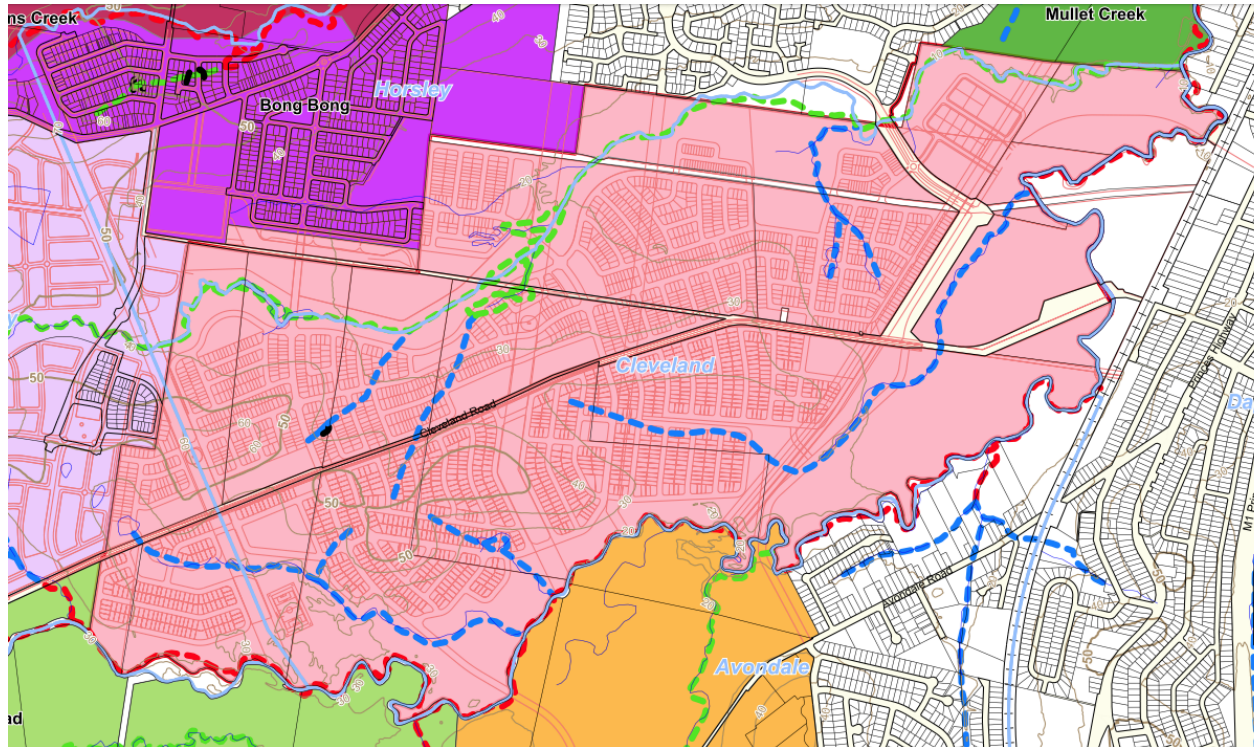
It is recommended that an amendment to the Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area be endorsed for exhibition, proposing to divide the Cleveland Road Neighbourhood Plan precinct into three smaller Neighbourhood precincts.

Defined Neighbourhoods in West Dapto Urban Release Area



Cleveland Road – Neighbourhood Plan boundary options

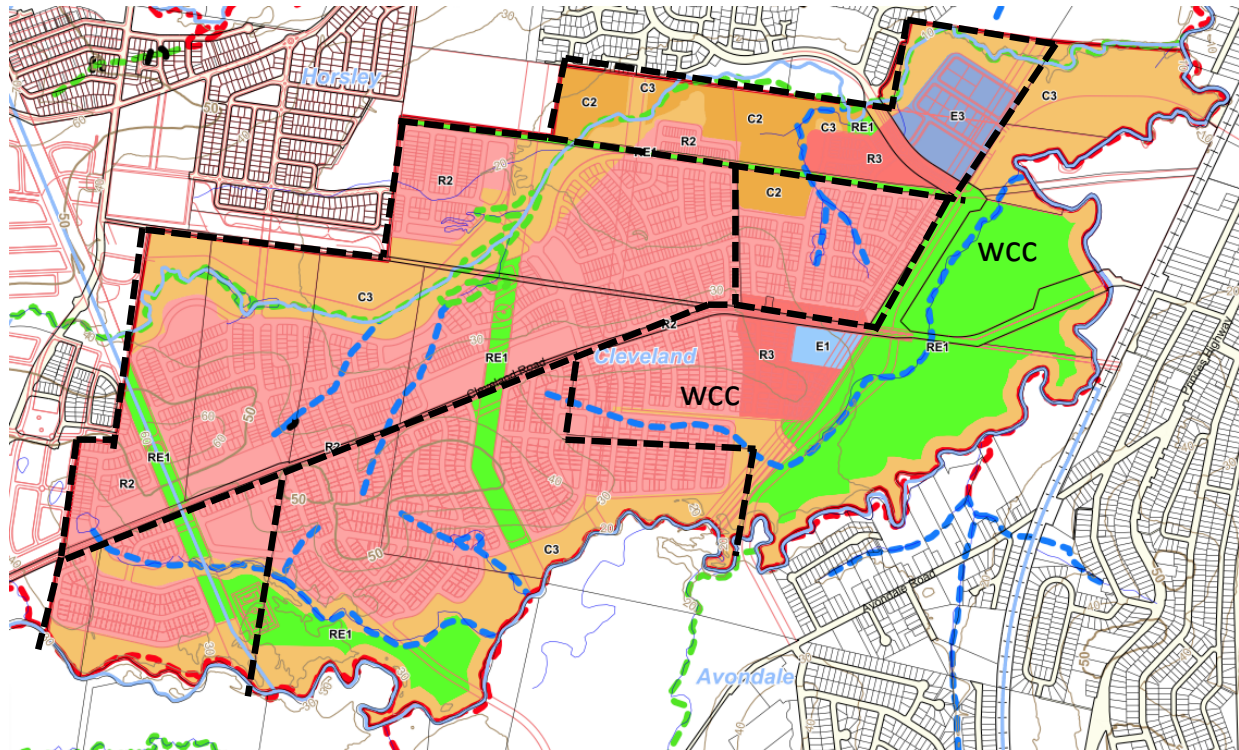
Option 1 – No change – retain current Cleveland Neighbourhood Plan boundary



Issues & considerations:

- Largest NP precinct (369ha)
- Fragmented ownership
- Includes 2 main drainage catchments
- Development timing may not align with servicing
- 1 assessment / exhibition process (rather than multiple)
- Land owners not working together cooperatively
- Concept DAs likely alternate pathway

Option 2 - by ownership / representation

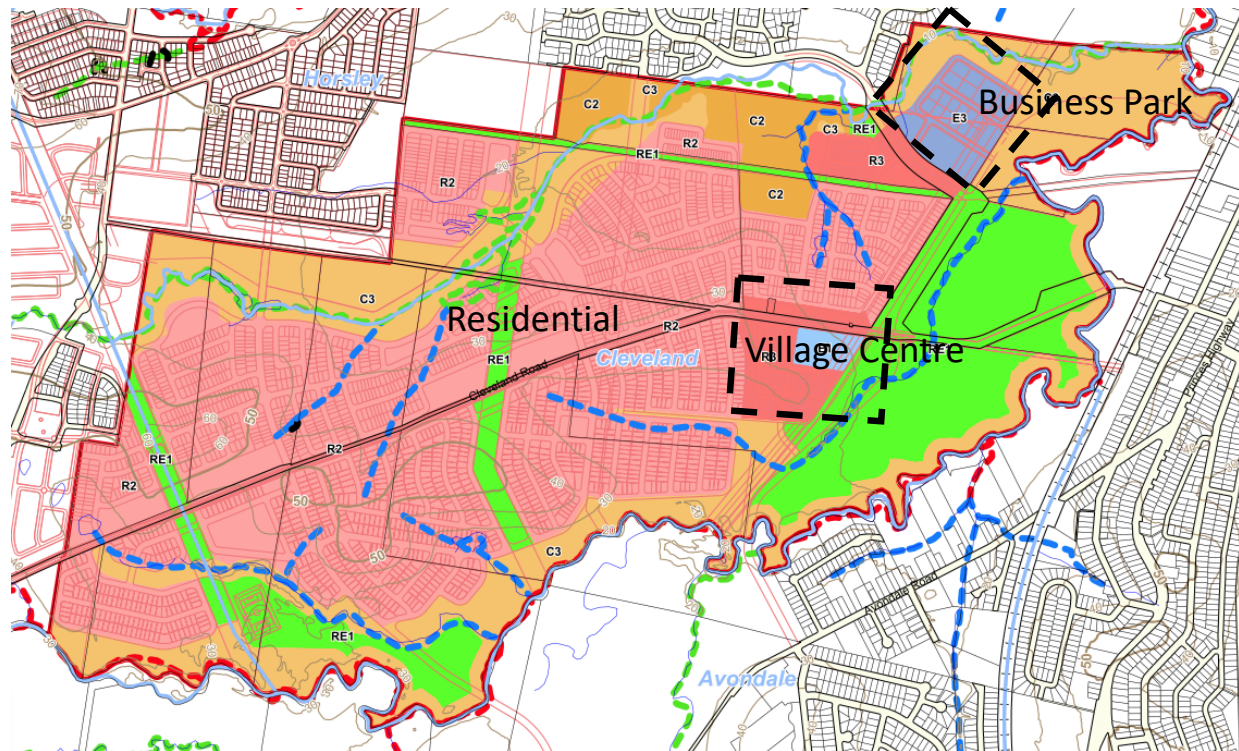


Note: Exhibited draft zones shown

Issues & considerations:

- 6 small neighbourhoods
- More NP reports and Council resources
- Does not achieve NP objectives (each lot considered in isolation)
- May result in quicker development – each owner doing own thing

Option 3 - by land use

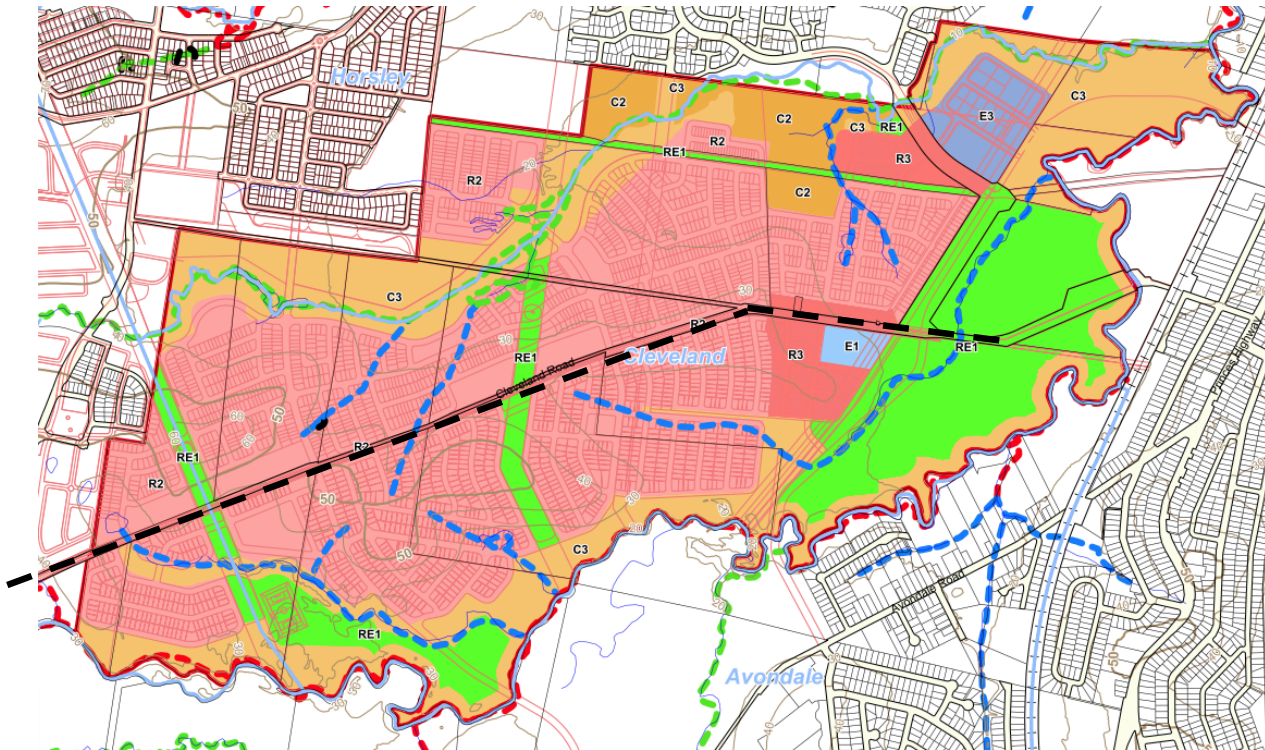


Note: Exhibited draft zones shown

Issues & considerations:

- 3 neighbourhoods
- Similar issues to existing situation – as all residential land is in 1 large NP

Option 4 - by Cleveland Rd – north / south

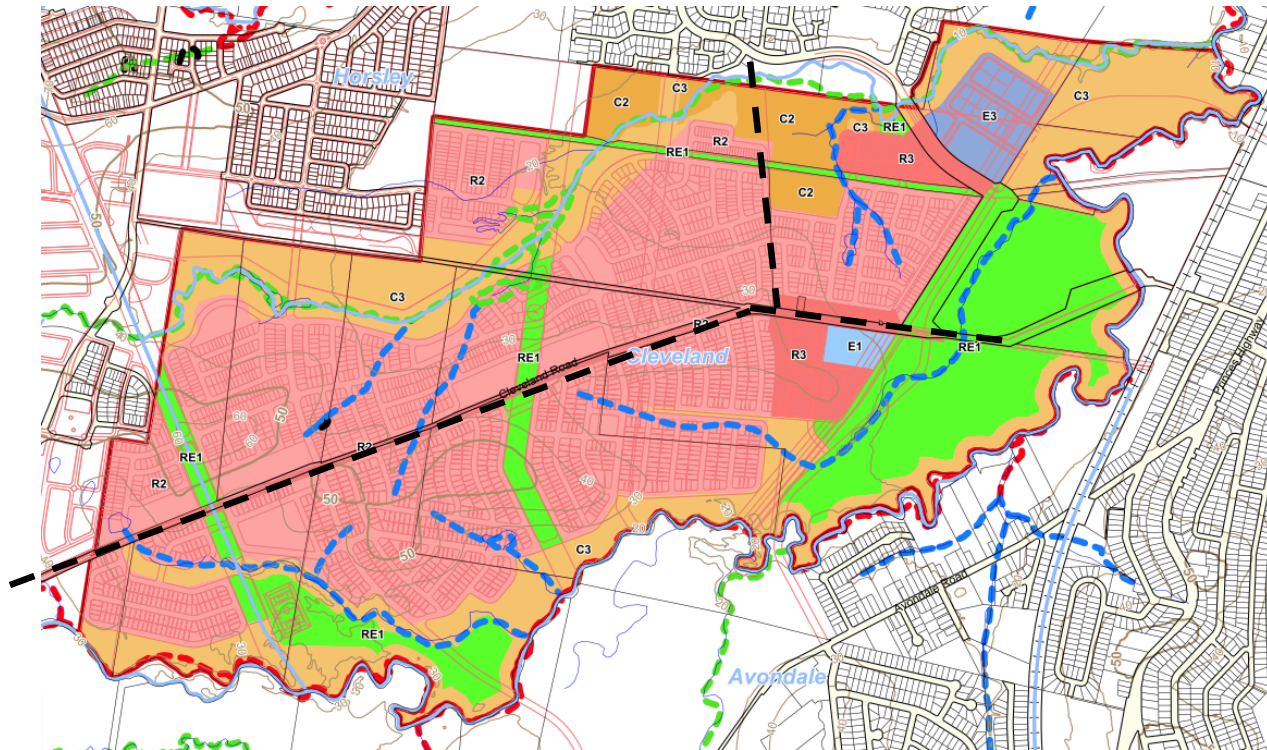


Note: Exhibited draft zones shown

Issues & considerations:

- 2 large neighbourhoods
- Separates the main drainage catchments
- Doesn't align with east-west servicing
- Doesn't support Cleveland Rd east-west construction

Option 4a - by Cleveland Rd – north / south

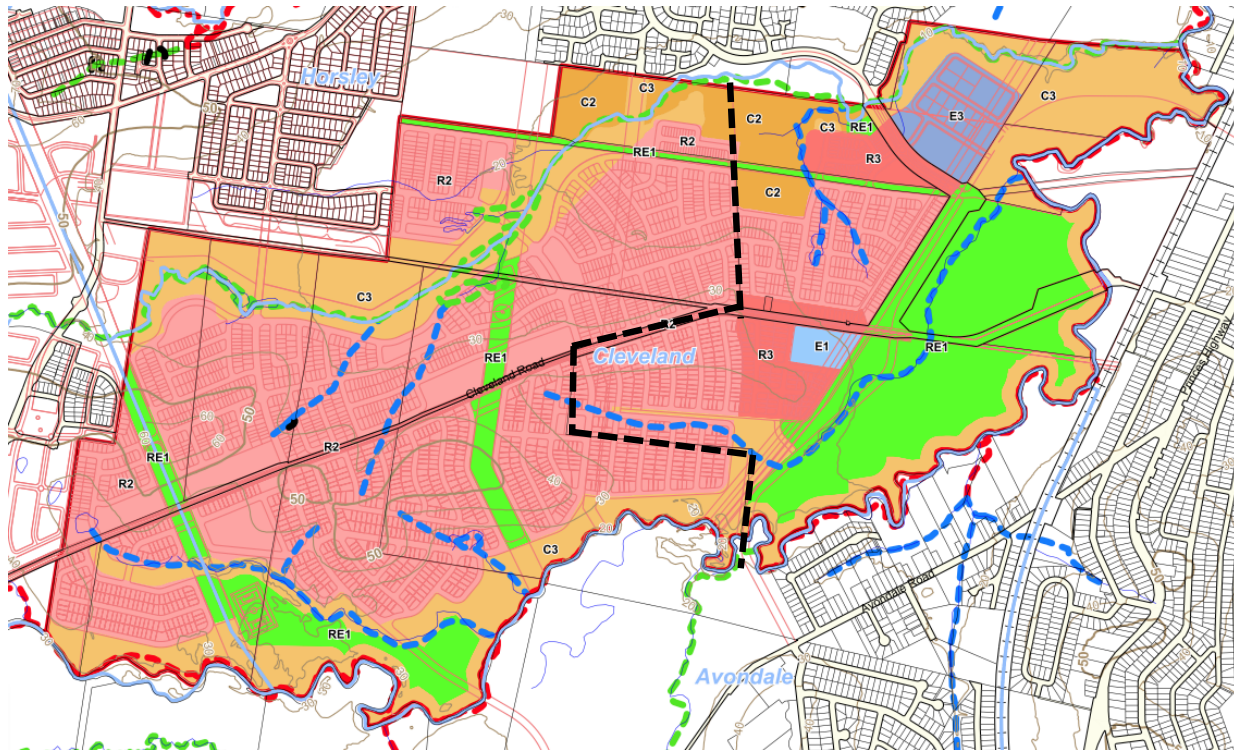


Note: Exhibited draft zones shown

Issues & considerations:

- 3 neighbourhoods
- Separates the main drainage catchments
- Some consideration of ownership pattern
- Doesn't align with east-west servicing
- Doesn't support Cleveland Rd east-west construction

Option 5 - by east / west

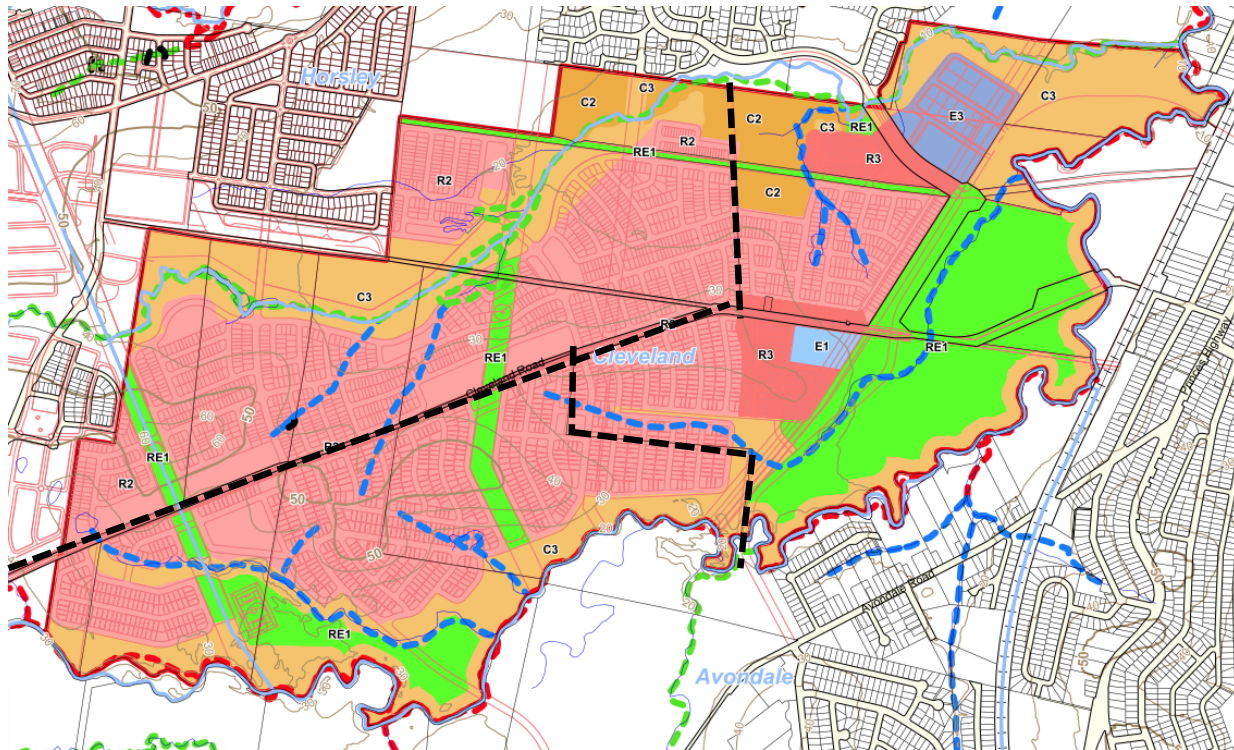


Note: Exhibited draft zones shown

Issues & considerations:

- 2 neighbourhoods
- Reflects Sydney Water east to west servicing
- Reflects Cleveland Rd to east to west upgrading
- Some consideration of ownership pattern

Option 5a - by east / west & north / south

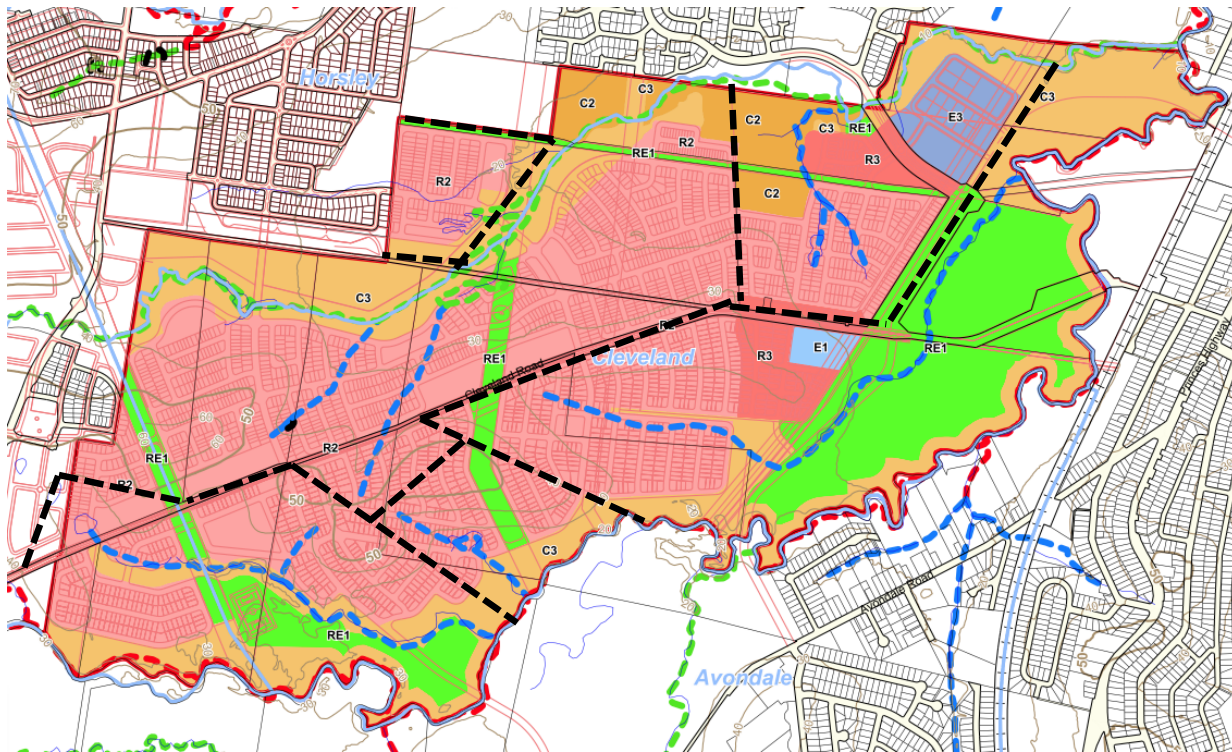


Note: Exhibited draft zones shown

Issues & considerations:

- 3 neighbourhoods
- Separates the main drainage catchments
- Some consideration of ownership
- Reflects Sydney Water east to west servicing
- Reflects Cleveland Rd to east to west upgrading

Option 6 - by drainage sub-catchments

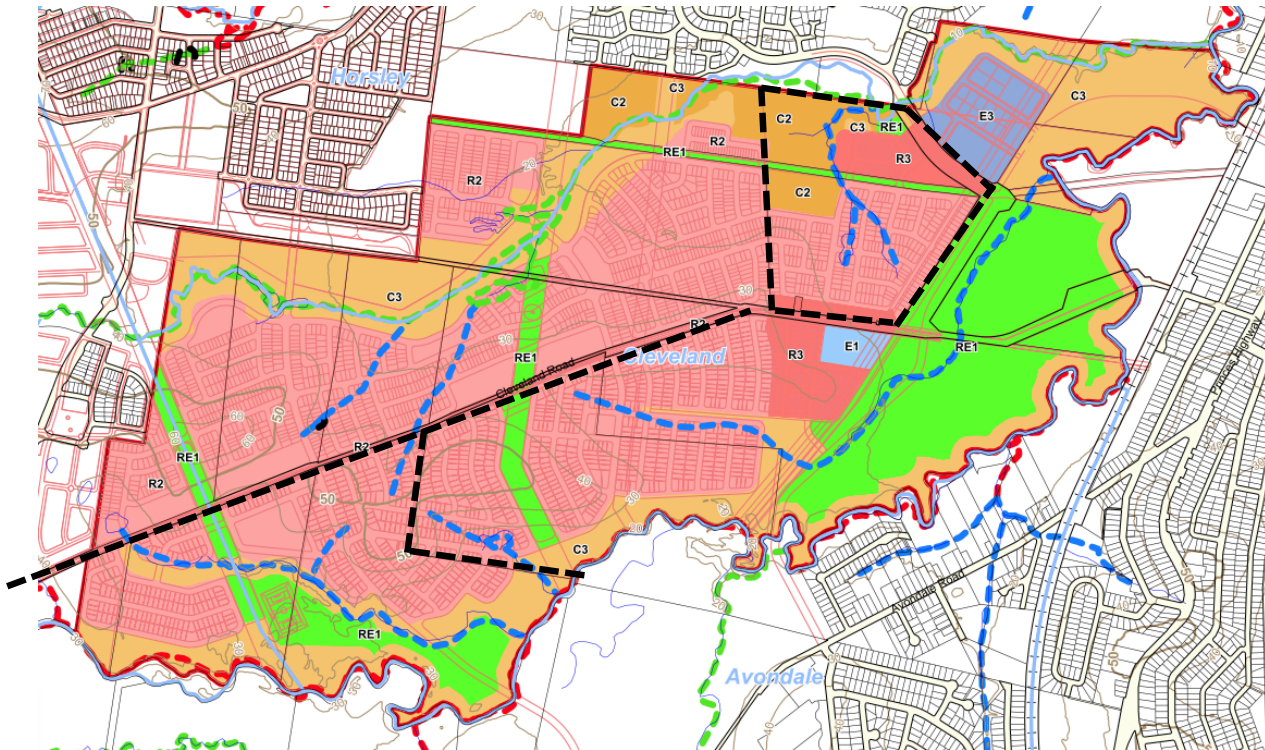


Note: Exhibited draft zones shown

Issues & considerations:

- 6 neighbourhoods
- Separates the sub-drainage catchments
- Too many sub-catchments
- More NP reports and Council resources
- Little consideration of ownership
- Divides lots into multiple neighbourhoods
- Doesn't reflect servicing

Option 7 - by combination 1

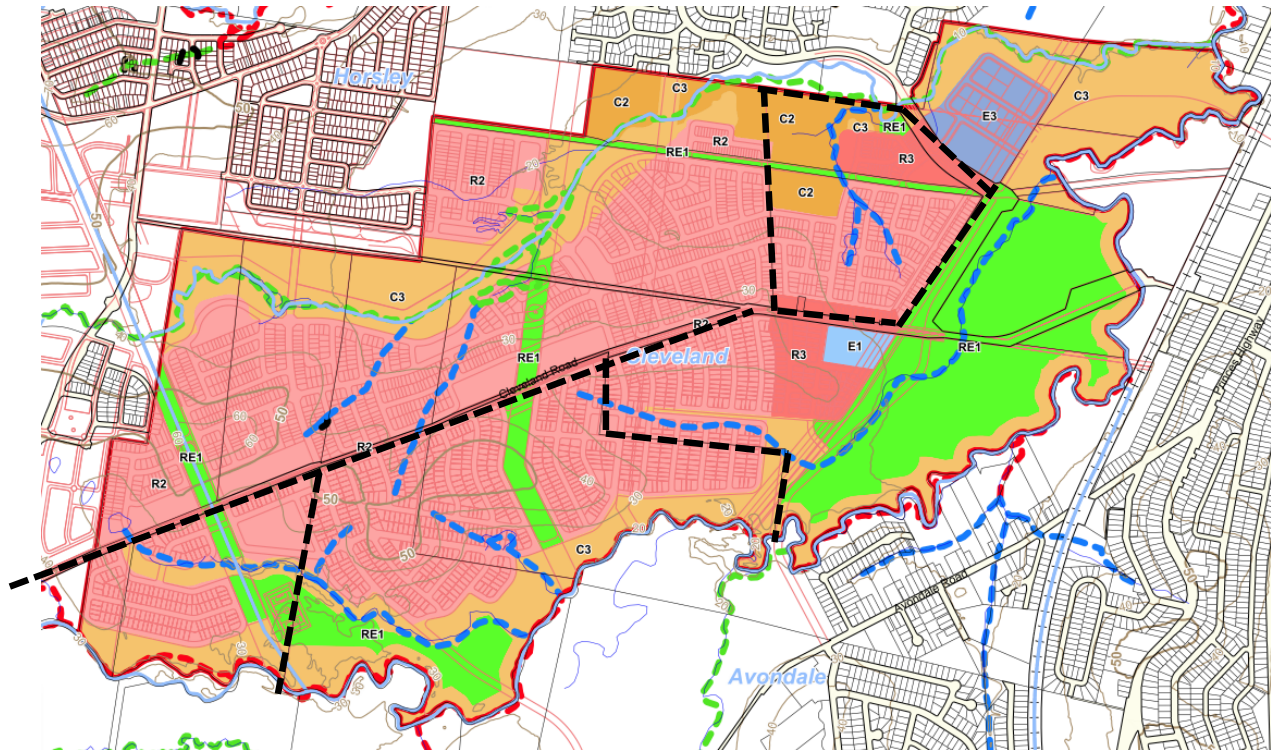


Note: Exhibited draft zones shown

Issues & considerations:

- 5 neighbourhoods
- Some consideration of drainage catchments
- Some consideration of ownership
- E3 land standalone

Option 7a – by combination 2

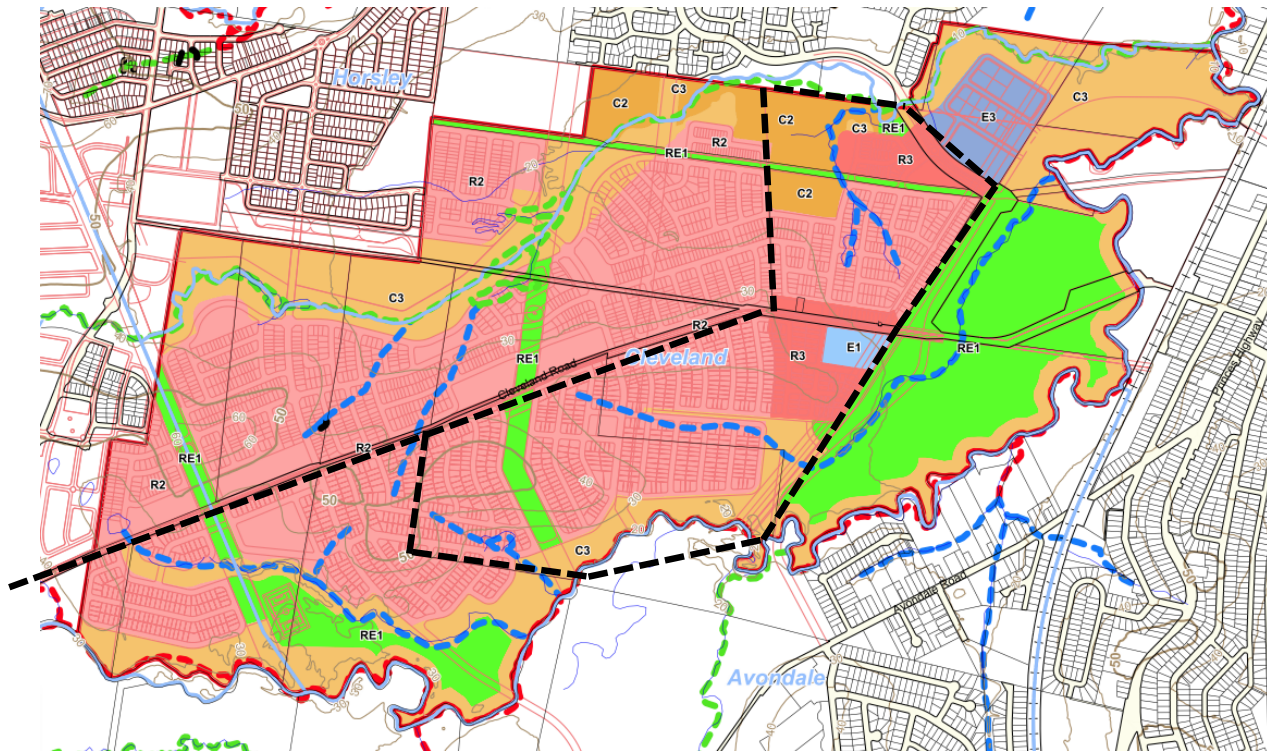


Note: Exhibited draft zones shown

Issues & considerations:

- 6 neighbourhoods
- Some consideration of drainage catchments
- Some consideration of ownership
- E3 land standalone

Option 7b – by Combination 3 - Preferred

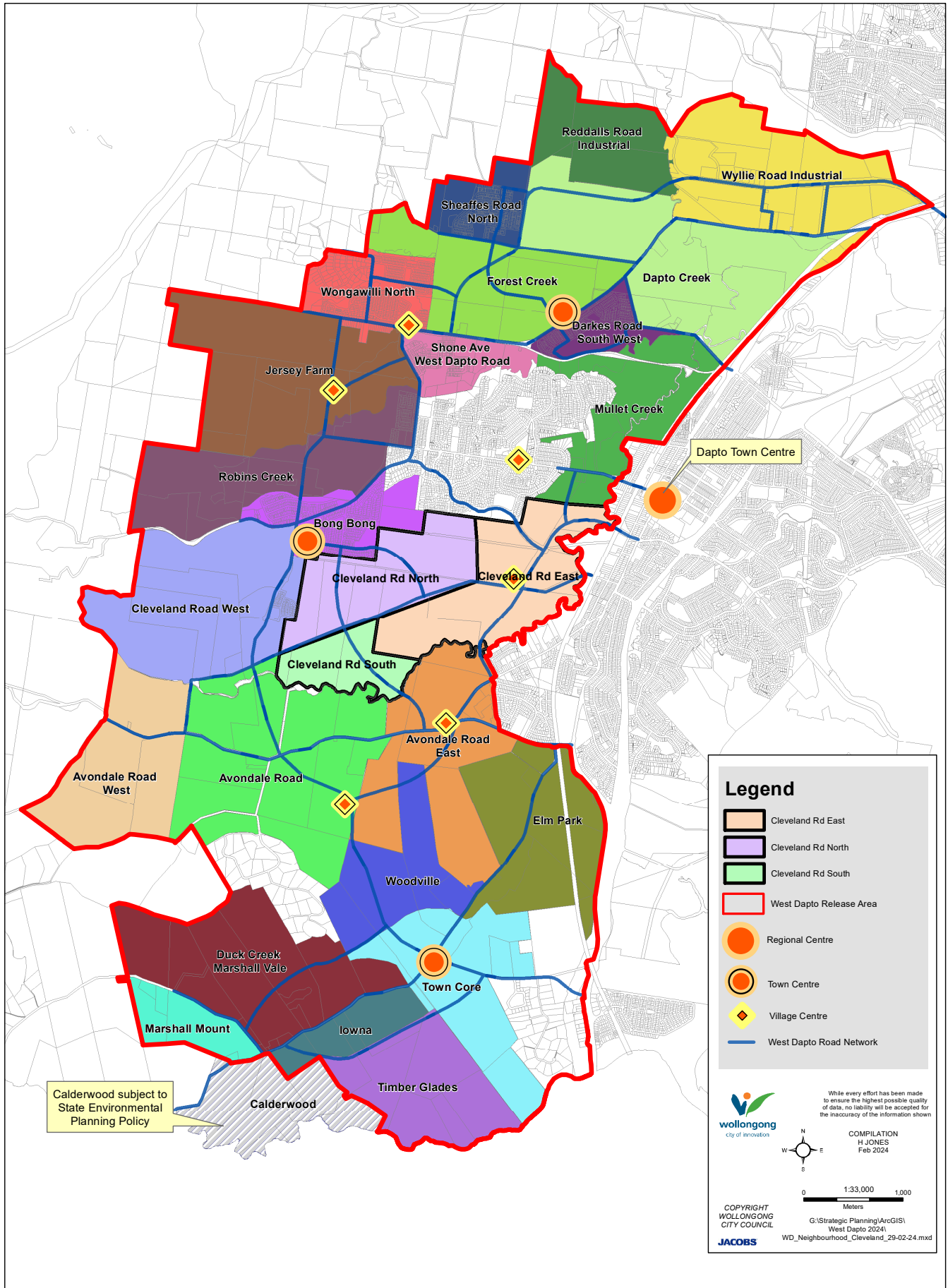


Note: Exhibited draft zones shown

Issues & considerations:

- 4 neighbourhoods
- Consideration of servicing from east to west
- Some consideration of drainage catchments
- Some consideration of ownership
- Consideration of servicing
- E3 land standalone

Defined Neighbourhoods in West Dapto Urban Release Area



ITEM 2

POST EXHIBITION - DRAFT WEST DAPTO DEVELOPMENT CONTRIBUTIONS PLAN 2024

The West Dapto Development Contributions Plan 2020 (2020 Plan) came into force on 14 December 2020 following review by the Independent Pricing and Regulatory Tribunal of New South Wales (IPART) and advice from the (then) Minister for Planning and Public Spaces.

On 30 October 2023, Council resolved to endorse the draft West Dapto Development Contributions Plan, 2024 (draft 2024 Plan) for exhibition for a minimum period of 28 days. The draft 2024 Plan was exhibited between 6 November and 4 December 2023.

This report provides the staff response to the exhibition submissions and seeks Council endorsement to lodge the draft 2024 Plan, submissions received during public exhibition and Council's proposed amendments to the draft 2024 Plan to IPART for review.

RECOMMENDATION

- 1 The summary of issues raised during public exhibition be noted.
- 2 The draft West Dapto Development Contributions Plan 2024, as exhibited, be endorsed for submission to the Independent Pricing and Regulatory Tribunal (IPART) for review and that IPART be asked to consider staff proposed changes to the draft contributions plan as summarised in the Proposal section of this report and Attachment 2.
- 3 Council note that the outcome of the IPART review will be in the form of recommendations to the NSW Minister for Planning and Public Spaces.
- 4 That a report be presented back to Council with IPART recommendations and NSW Minister for Planning and Public Spaces direction in relation to adoption of the West Dapto Development Contributions Plan 2024.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Staff Response to Submissions
- 2 Proposed 2024 Plan Amendment subject to IPART Review
- 3 Letter from Department of Planning, Housing & Infrastructure regarding draft West Dapto Contributions Plan 2024
- 4 Western Ring Road and Northcliffe Drive Extension Transport Infrastructure Items

BACKGROUND

Section 7.11 of the *Environmental Planning and Assessment Act 1979* (Act) establishes that a consent authority can require contributions where development will or is likely to require the provision of or increase the demand for public amenities and public services within the area.

A section 7.11 development contributions plan for the West Dapto Urban Release Area (WDURA) commenced on 23 December 2010 and has been updated in 2011, 2015, 2017 and 2020.

West Dapto Development Contributions Plan 2020

On 7 December 2020, Council adopted the 2020 Plan, which came into force 14 December 2020. The 2020 Plan is available on Council's website at

https://www.wollongong.nsw.gov.au/data/assets/pdf_file/0017/122372/West-Dapto-Development-Contributions-Plan-2020.PDF

Given the proposed contribution rates of the 2020 Plan surpassed the State imposed \$30,000 per dwelling contributions cap, the draft 2020 Plan was subject to IPART review.

On 15 May 2020, IPART released the Assessment of the draft West Dapto Development Contributions Plan 2020 Final Report (IPART Final Report) and made 24 recommendations for the draft 2020 Plan.

IPART submitted the Final Report to the then Minister for Planning and Public Spaces (Minister) for consideration and to allow the Minister to provide direction to Council. IPART's final report and all information regarding their assessment is available on their website at

<https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/Reviews/Contributions-Plan/Review-of-Wollongong-City-Councils-Contributions-Plan-West-Dapto?qDh=0>

The (then) Department of Planning, Industry & Environment (DPIE), as the Minister's nominee, considered IPART's Final Report. On 23 September 2020, the Minister's nominee provided direction to Council. The Minister's nominee agreed with 23 out of the total 24 recommendations made by IPART. The draft 2020 Plan was subsequently updated by Council in accordance with the Minister's nominee direction.

At the time of adoption, the 2020 Plan included over \$950M of infrastructure works and land acquisition for social infrastructure (community facilities land and open space and recreation), transport and traffic, stormwater management and administration. The costs were apportioned to both residential and non-residential development.

Residential Development

The standard residential contributions rate in the 2020 Plan, when adopted, was \$51,428.10 per dwelling. The contribution rates are indexed every quarter of the year. The current indexed rate under the 2020 Plan is \$61,157.76 per dwelling.

Since 2011, Council has collected approximately \$74M in residential contributions from approval of Development Applications to create more than 2,750 subdivided lots for residential development. The total amount of contributions Council is set to receive from Development Applications already approved and Development Applications under assessment would amount to approximately \$160M.

Council has entered into three Planning Agreements and has accepted several infrastructure items as Works-in-Kind where infrastructure identified in the Contributions Plan has been provided by a developer and offset against the monetary contributions payable.

Commercial and Industrial Development

The standard industrial contributions rate in the 2020 Plan, when adopted, was \$126,513 per hectare and commercial rate was \$371,189 per hectare when adopted. The contribution rates are indexed every quarter of the year. The current indexed rate under the 2020 Plan is \$150,448 per hectare for industrial and \$441,414 per hectare for commercial.

Since 2011, Council has also collected approximately \$6.5M in commercial and industrial development contributions.

Draft West Dapto Development Contributions Plan, 2024

On 30 October 2023, Council resolved that the draft 2024 Plan be endorsed for public exhibition for a minimum period of 28 days.

A copy of the 30 October 2023 Council report is available on Council's website at: [Agenda of Ordinary Meeting of Council - Monday, 30 October 2023 \(nsw.gov.au\)](#)

The draft 2024 Plan was exhibited between 6 November and 4 December 2023. Late submissions were accepted up until the end of December 2023.

A total of 28 submissions were received. Submissions were received from -

- State agencies -
 - Transport for NSW.
 - School Infrastructure NSW.
- Peak Organisations -
 - Property Council of Australia (PCA) – Illawarra.
 - Urban Development Institute of Australia (UDIA) – Illawarra.
 - Regional Development Australia (RDA) – Illawarra.

- Community groups -
 - Illawarra Bicycle User Group.
- Developers and their consultants (15 submissions).
- Community members (7 submissions).

The main themes raised in submissions included -

- Request for removal of the Western Ring Road (including the Northcliffe Drive Extension) valued at \$450M from the 2024 Plan. Submitters requested the Road be included by the State Government in a regional infrastructure program.
- Concern with infrastructure cost increase and impact on development feasibility. Specific concern also raised regarding transport and open space cost increases. There were also requests to limit the scope of infrastructure to minimum requirements. Use of bridges was a specific area of concern.
- Specific requests for exemption from contributions were proposed such as schools.
- Land Values. Rates of land value for specific land parcels and Council staff proposed indexation approach has been questioned.
- Split catchment approach to contributions requested.
- Rail crossings safety and need for road overpass (Northcliffe Drive Extension).
- The number of parks, land area and cost of Open Space provision has been questioned.
- Stormwater related to drainage infrastructure and flooding in relation to infrastructure design and yield impact assumptions were raised.
- Community Facility CF05 as a sub-district facility has been questioned in the context of neighbouring community facilities such as those planned for Calderwood.
- Essential Works List, specifically lack of Childcare facilities funding.
- Increased in Commercial development contributions questioned.
- Housing density and residential land reduction.
- The relationship of West Dapto Contributions Plan infrastructure items to Calderwood development.
- Support for shared use paths and bridges.
- Other individual matters and edits.

PROPOSAL

Council staff propose to lodge an application with IPART to review the draft 2024 Plan. The IPART application will be lodged as a package which includes -

- A copy of submissions received during public exhibition of the draft 2024 Plan.
- A detailed response to submissions by Council staff (Attachment 1).
- Proposed 2024 Plan Amendments subject to IPART Review (Attachment 2).
- A copy of this Council report and Council minutes which outlines the proposed approach for possible amends to the Contributions Plan subject to IPART review.

Council Staff Response to Submissions

A detailed staff response to submissions is provided at Attachment 1. A summary staff response to the major themes raised in submissions as follows -

Issue	Staff Response	Proposed 2024 Plan amendment subject to IPART Review	2024 Plan Cost and Contribution Rate Impact
Request removal of Western Ring Road from the 2024 Plan	<p>It is the preference of Council staff that all components of the Western Ring Road (see Attachment 4) including Northcliffe Drive Extension become State funded infrastructure and that these items be removed from the West Dapto Development Contributions Plan.</p> <p>Correspondence from DPHI (see Attachment 3) has been received in relation to this request.</p> <p>Commitment from the State to fund and deliver the infrastructure is required to support its removal of the from the Plan.</p>	Council staff propose removal of this road following commitment from the State to deliver and fund the infrastructure item.	It is noted that removal of Western Ring Road from the 2024 Plan will reduce the total cost of infrastructure by \$450M which is approximately a \$23,000 reduction in the per lot / dwelling contributions rate. Additional reductions in the per hectare rate for industrial and commercial development is also expected.
Concern with infrastructure scope or cost increase, request for reasonable contingency and on cost assumptions and suggestion to restrict scopes to minimum requirements or expand to include additional infrastructure.	<p>Council staff acknowledge cost challenges faced by industry and housing affordability issues faced by community. The draft 2024 Plan rates are considered appropriate to meet the cost of local infrastructure without increasing the burden on the broader community via use of Council general revenue, including rates.</p> <p>Council staff are also satisfied that the scope assumptions for infrastructure at West Dapto are justified, have direct demand relationship to West Dapto and reflect the constrained context of West Dapto. Council staff welcome independent review of the draft 2024 Plan by IPART.</p> <p>Some additional infrastructure items have been requested in submissions. Council staff support inclusion of some additional items following review of submissions due to the direct demand related to the release area development. Specific details are provided in Attachment 1.</p>	<p>Costing approach proposed to remain generally unchanged for majority of infrastructure items.</p> <p>Inclusion of an additional length 354m of new road is proposed in Stage 1 of WDURA. This road directly adjoins an open space item (OS02) and will connect two residential parcels of land.</p> <p>Inclusion of one additional bridge is proposed in Stage 5 of WDURA. This bridge facilitates flood reliable transport connection between two neighbourhood plan areas (namely Duck Creek Marshall Vale and Woodville).</p> <p>Council staff seek confirmation from IPART as to if contemporary cost</p>	Increase the cost of the 2024 Plan, subject to IPART review.

Issue	Staff Response	Proposed 2024 Plan amendment subject to IPART Review	2024 Plan Cost and Contribution Rate Impact
		estimates for infrastructure (completed after exhibition of the draft 2024 Plan) can be integrated into the finalised Plan. This would include, for example 50% Concept Design for Yallah Marshall Mount Roads.	
Request for contributions exemptions such as School sites. Support for Council proposed affordable, accessible, and emergency housing exemptions.	Public and Private Schools are not listed as a development type requiring payment of development contributions and are therefore not levied.	Exemptions proposed to remain as exhibited.	No impact.
Land Values. Underlying zone assumptions have been questioned as basis for land value determination	Council staff have reviewed the specific requests as addressed in detail in Attachment 1. Some land value changes are recommended for IPART consideration as a result.	No change proposed , however Council's preference if to request IPART to consider use of actual acquisition costs where available.	Yes. Change to land values would be reflected in the infrastructure tables in the schedules of the 2024 Plan and overall infrastructure cost and contribution rates.
Land Value Indexation. Use of the Valuer General land valuation process to develop a Land Value Index is raised as an outstanding recommendation from the 2020 IPART review.	Council's proposed approach to land value indexation using a 5 year Valuer General average approach to be indexed prior to adoption of the 2024 Plan is considered reasonable and staff welcome IPART's review.	No change proposed	No.

Issue	Staff Response	Proposed 2024 Plan amendment subject to IPART Review	2024 Plan Cost and Contribution Rate Impact
Split catchment approach to contributions.	Council staff considered a split catchment approach in detail during preparation of the 2020 Plan and again as part of this review of submissions. Staff note that during the past two reviews of the Contributions Plan there have been requests to consider split catchment approaches. This has varied from Stages 1-3 and 4-5 to stages 1-4 and 5 in isolation. Council staff maintain that a single catchment approach is still the most appropriate approach.	No change proposed	No.
Rail crossings safety and need for overpass (Northcliffe Drive Extension).	Council staff are supportive of the need for timely investment by the State Government in delivery of the Northcliffe Dr Extension (NDE) major bridge crossing of the Princes Hwy and Southern Railway line. Delivery of the NDE will address safety concerns at the West Dapto Road / Princes Hwy level crossing as well as providing flood reliable access.	No change apart from removal of all NDE components (which form part of the Western Ring Road) from the 2024 Plan subject to State Government commitment and IPART review as mentioned above.	Cost reduction associated with NDE as referred to in regard to the Western Ring Road removal mentioned above.
Request for Council to improve flood mapping to ensure awareness. Concern raised regarding the development yield impact of the 2023 adopted Mullet Ck Floodplain Risk Management Study and Plan (FRMSP)	The 2023 Mullet Creek FRMSP is based on the latest national flood modelling approaches. Council's current flood development controls prevent any intensification of high flood risk areas and floodways with development and provide specific guidance on developing within suitable flood prone areas.	No change proposed	No

Issue	Staff Response	Proposed 2024 Plan amendment subject to IPART Review	2024 Plan Cost and Contribution Rate Impact
Open Space provision and cost questioned. This includes concern with the increase area of land and embellishment costs.	Open Space and Community Facilities have been updated and informed by the Council adopted 2023 West Dapto Social Infrastructure Needs Assessment (SINA). The SINA addressed IPART, 2020 recommendations 13 and 14. This has resulted in an increase in the land area required for open space and resulted in increased embellishment cost as previous costings were based on 2007 SINA work.	No change proposed	No
Essential Works List, specifically lack of Childcare facilities funding.	Planning for childcare facilities remains important for West Dapto. DPHI publishes an “Essential Works List” that outlines what infrastructure Council can collect for. Council can only collect contributions for the land component of community facilities. Childcare facilities are not listed and are not provided by Council. Council has previously, and will continue to, advocate for delivery of Community Facilities in the essential works list.	No change proposed.	No impact.
Concern raised regarding increase in Commercial Development contributions.	The cost challenges faced by the development industry is acknowledged and the viability issues faced with commercial development. The draft 2024 Plan rates are required to meet the cost of local infrastructure without increasing the burden on LGA wide rate payers. Council staff have provided more costings information to parties on request and have accepted late submissions to allow time for consideration of those costings. Council staff welcome an independent review by IPART.	No change proposed.	No impact.

Issue	Staff Response	Proposed 2024 Plan amendment subject to IPART Review	2024 Plan Cost and Contribution Rate Impact
<p>Housing density and residential land reduction concern raised. Impact on development forecasting.</p>	<p>The majority of the reduction in residential land reflects an adjustment made between the 2020 and draft 2024 Contributions Plan to remove a previous reliance on 251.41 Ha of C3 Environmental Management land for urban residential outcomes. The submission assumption that 326.1 Ha of reduced residential land would result in a loss of 4,900 dwellings is not accurate (3,771.15 of those assumed dwellings lost would rely on the development of 251.41 Ha of C3 Environmental Management zoned land). In 2020 the 251.41 Ha of C3 zoned land was assumed to yield 16 dwellings only. Therefore, the total reduction in yield is substantially less when relying on a crude 15 dwellings / ha rate. Council staff are encouraging increased housing variety and density throughout the R2 and R3 zoned land of the release area.</p> <p>Following review of development forecasts Council staff propose to seek IPART support for use of population thresholds trigger as the indication of when the items listed in the draft 20254 Plan are needed. This approach will be detailed in the IPART application.</p> <p>The total number of dwellings in stage 5 has been underestimated in the draft 2024 Plan and should be 4,264. This has resulted from incorrect dwelling density assumption for a R3 zoned portion of land in Stage 5.</p>	<p>Council staff propose to seek IPART support to use population threshold triggers as the indication of when infrastructure items under the Plan are needed. This approach will be detailed in the IPART application and will apply for open space and community facility items.</p> <p>This approach would also require review of the residential development dwelling and population assumptions in the 2024 Plan.</p> <p>Amend the draft 2024 Plan to include the revised dwelling yield assumption in Stage 5.</p>	<p>An overall increase in the total population and number of dwellings is expected.</p> <p>Reduction in development contributions rates expected to occur.</p>

Issue	Staff Response	Proposed 2024 Plan amendment subject to IPART Review	2024 Plan Cost and Contribution Rate Impact
Calderwood development relationship to the 2024 Plan questioned including nexus.	Council staff consider the nexus between Calderwood development and West Dapto to be accurately reflected in the draft 2024 Plan. Staff will continue to liaise with Calderwood developer/s and Shellharbour Council as required.	No change proposed	No.
Concern was raised that Council intends to 'claw back' contributions deficit from previous development, including Calderwood.	The 2020 Plan and draft 2024 Plan have been prepared to reduce additional shortfall not 'claw back' previous shortfalls.	No change proposed	No.
Community Facilities, particularly CF05 sub-district facility status questioned.	As detailed in Attachment 1, Council staff recommend CF05 is amended from the sub district scale in the 2024 Plan to a local scale facility, for consideration by IPART.	Yes. Change in function of CF05 from sub-district to local resulting in description change.	Yes. Minor change to reflect floorspace reduction.
Support for shared use paths	Shared use paths and bridges were welcomed inclusions in the draft 2024 Plan.	No change proposed	No.
Individual matters and edits	As detailed in Attachment 1, an amendment to the 2024 Plan is required to reflect apportionment of transport infrastructure to Calderwood. Individual matters raised have been considered. Inconsistent number referencing in the draft 2024 has been highlighted which staff will resolve prior to adoption of a final 2024 Plan.	Apportionment in the 2024 Plan to change.	The revised contributions plan rate will be confirmed through IPART review process.

Note: Several submissions made reference to other matters not specifically relevant to the draft 2024 Plan such as proposed LEP review and amendments. Staff have noted the issues raised.

CONSULTATION AND COMMUNICATION

Internal

The Urban Release and Land Use Planning Teams have prepared this post exhibition report and Attachments for the 2024 Plan jointly. In addition, as part of this process, internal consultation was carried out with Infrastructure Strategy and Planning, Library & Community Services, Project Delivery, Finance and Recreation Services and the West Dapto Steering Committee.

A Councillor Briefing was held on 19 February 2024.

External

On 30 October 2023 Council resolved that the draft 2024 Plan be endorsed for public exhibition for a minimum period of 28 days. Council staff conducted a public exhibition of the draft 2024 Plan between 6 November and 4 December 2023 and accepted late submissions up to the end of December 2023.

Council received 28 submissions during the exhibition as explained in detail under the proposal section of this report.

Council staff have had several meetings with DPHI and Transport for NSW staff, regarding key issues raised in submissions, including the Western Ring Road and Northcliffe Drive Extension considerations. Staff note correspondence recently received from the DPHI (Attachment 3) for consideration through the IPART review process.

Council staff attended an infrastructure workshop held by the Illawarra Shoalhaven Urban Development Institute of Australia where key issues raised in submissions were also discussed.

IPART has been kept updated on the draft 2024 Plan development process ahead of a formal application for review.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1. It specifically delivers on the following –

Community Strategic Plan 2032		Delivery Program 2022-2026
Strategy		Service
1.6	West Dapto urban growth is effectively managed with facilities and spaces to support the future community.	Land Use Planning

SUSTAINABILITY IMPLICATIONS

The draft 2024 Plan schedule of infrastructure includes items that will specifically contribute to sustainability outcomes in the WDURA. Contributions are proposed to be collected for active transport via shared paths and shared path bridges. Contributions are proposed to be collected for bus shelters to support public transport. These transport specific measures will help to improve community health outcomes while also providing alternative travel options to private vehicles.

Council's open space design process contributes to sustainability objectives. For example, the Urban Greening program would benefit from open space provided through development contributions.

RISK MANAGEMENT

Council is committed to regular review of the West Dapto Development Contributions Plan. The preparation of the draft 2024 Plan is consistent with IPART's 2020 recommendation number 23, which recommended that the Plan be reviewed in 3 years, noting that DPE, as the Minister's nominee, approved an extension for the adoption date until December 2024. Without regular review, there is risk that the Contributions Plan does not reflect updated information regarding development of the release area and essential infrastructure requirements and cost.

The risk to development feasibility is also connected to other contributions and charges including the NSW Housing and Productivity Contribution (HPC), which commenced on 1 October 2023 and replaced the Illawarra Shoalhaven Special Infrastructure Contribution (SIC), 2021. In addition, Sydney Water has now also proposed the introduction of water and wastewater services development fees.

The exhibited draft 2024 Plan did not propose collection of contributions for the major bridge section of the Northcliffe Drive Extension, a key regional / state significant infrastructure item identified in the former Illawarra Shoalhaven SIC. The Northcliffe Drive Extension major bridge is required to ensure Northcliffe Drive extends into West Dapto via a grade separated crossing of the rail line.

The draft 2024 Plan did propose continued collection of contributions for the Western Ring Road. The Western Ring Road is an infrastructure item listed in the current adopted 2020 Plan. In 2021, the State Government determined the Illawarra Shoalhaven SIC, which included the West Lake Illawarra Major Road Spine. On 1 October 2023, the Housing and Productivity Contribution commenced replacing the SIC. The HPC does not include a Schedule of infrastructure. However, Council staff understand that the State Government through TfNSW and DPHI consider the Major Road Spine to be a key regional transport item.

As detailed in the proposal section of this report, there has been concern raised in submissions of duplicated contributions by Council and the State Government, for the Western Ring Road and the regionally significant Spine Road (considered to be the same piece of infrastructure in the main). Council staff will continue to work with the State agencies to ensure that there is no duplication of contributions.

FINANCIAL IMPLICATIONS

The continued development of the WDURA will result in significant demands for both state and local infrastructure. The draft 2024 Plan will be an important mechanism to levy development toward the cost of providing local infrastructure. It should be noted that Council would need to separately fund infrastructure considered to be non-essential for the purpose of Section 7.11 development contributions but still needed for the community (for example, community facilities buildings) as well as the ongoing maintenance, operational and renewal costs.

There is significant financial risk to Council without the progression of the draft 2024 Plan, which needs to progress through IPART review, Minister for Planning and Public Spaces direction and final Council adoption by December 2024, to enable Council a continued funding source above the Section 7.11 Development Contributions cap of \$30,000 per lot or dwelling.

It is important to note the 2024 Plan, and future versions of the Plan, will not recoup previous accumulated cost shortfalls. Therefore, those shortfalls remain an ongoing financial implication for Council. The previous accumulated cost shortfalls relate to the following -

- Between 2010 and 2017 contributions levied were capped at \$30,000 per lot/dwelling, and since 2017, contributions levied under the 2017 and 2020 Plans were less than the current proposed contribution rate. This means that the contributions paid to date do not reflect the current cost of infrastructure and the development already levied have or will pay less than the current contribution rate. This shortfall is estimated to be approximately \$150M and will continue to increase with future Plan reviews. This shortfall cannot be re-levied and applied to existing or future development at WDURA.
- Where exemptions are granted, for example to affordable housing developments, a contribution is not collected and cannot be collected from other development.
- The infrastructure cost apportioned to the demand created by the Calderwood development in the draft 2024 Plan is more than the contributions that can be collected through the various Planning Agreements with Calderwood developers. This shortfall is estimated to be \$75M and cannot be levied to other development in the WDURA.

The indicative timing of infrastructure delivery has financial implications and has relied on assumptions of development rates at WDURA in previous versions of the Plan. Due to the long-time frame of development delivery, and the many variables that influence development timing, there will always be some uncertainty regarding development forecasting.

Various submissions received during public exhibition of the draft 2024 Plan raised development yield related issues, and some referred to the timing of infrastructure. Following public exhibition of the draft 2024 Plan, Council staff have considered the most effective method to inform indicative timing of infrastructure. As a result, it is proposed to seek IPART support for use of a population thresholds trigger as the indication of when the Plan infrastructure items are needed. This approach will be detailed in the IPART application.

Continued monitoring and effort to improve accuracy of forecasting development, is an ongoing task of Council staff, and relies on understanding of utilities services timing and development industry programs, as well as land use planning and Development Applications status.

CONCLUSION

The West Dapto Urban Release Area is the Illawarra-Shoalhaven Region's largest greenfield release area and has an important role in meeting the region's housing supply needs.

The West Dapto Development Contributions Plan is a key document for the Urban Release Area, as it provides the mechanism to collect development contributions to fund much of the local infrastructure required to support new development in the future communities.

The draft West Dapto Development Contributions Plan 2024 has been prepared within the complex nature of a physically constrained greenfield development site. As a result, essential infrastructure works are subject to significant costs such as adequate roads and drainage infrastructure to ensure accessibility in flood events.

It is recommended that the draft West Dapto Development Contribution Plan 2024, submissions received during public exhibition and Council staff's response to submissions issued, is endorsed by Council for submission to IPART for review. Following the IPART review and receipt of advice from the Minister for Planning and Public Spaces, the draft 2024 Plan will be reported back to Council for adoption.

Attachment 1

Detailed Staff Response to Submissions resulting from exhibition of the draft *West Dapto Development Contributions Plan 2024*

Acronyms and initialisms used in this report are contained at the end of this document.

Summary Submission points	Submitter	Council Staff Response
Issue: Request removal of Western Ring Road from the 2024 Plan		
Request that Council removes the Northcliffe Drive Extension / West Dapto Ring Road as a transport contribution cost, which should be funded/ adopted by DPE under a regional infrastructure program.	Feros Group Calderwood Valley (Lendlease) Property Council of Australia Stantec Australia Pty Ltd UDIA Legacy Property	Council staff will continue to consider the role of the Western Ring Road and Northcliffe Drive extension in the Contributions Plan in liaison with relevant State agencies. Removal of the Western Ring Road from the Contributions Plan will be considered subject to a State commitment to funding the infrastructure item via a state controlled mechanism such as the Housing and Productivity Contribution and also subject to IPART review.
Recommendation that DPE adopts items related to the Western Ring Road into the Housing and Productivity Contributions' Infrastructure Opportunities Plan.	UDIA	Council staff will continue to consider the role of the Western Ring Road and Northcliffe Drive extension in the Contributions Plan in liaison with relevant State agencies. Removal of the Western Ring Road from the Contributions Plan will be considered subject to State commitment to funding of the infrastructure item via a state controlled mechanism such as the Housing and Productivity Contribution and also subject to IPART review.
There are instances of double counting of key items in both State Infrastructure Contributions and the exhibited draft 2024 Plan.	Stantec Australia Pty Ltd	Council staff will continue to consider the role of the Western Ring Road and Northcliffe Drive extension in the Contributions Plan in liaison with relevant State agencies. Removal of the Western Ring Road from the Contributions Plan will be considered subject to State commitment to funding of the infrastructure item via a state controlled mechanism such as the Housing and Productivity Contribution and also subject to IPART review.

Issue: Concern with infrastructure scope or cost increase, request for reasonable contingency and on cost assumptions and suggestion to restrict scopes to minimum requirements or expand to include additional infrastructure.		
Clarity is needed around the inconsistencies along the Western Ring Road such as new road segments being 4 lanes, but some of the new bridge items are 2 lanes. The additional costs need to be included in the draft 2024 Plan.	Transport NSW Feros Group	Acknowledged. Council staff will continue to consider the role of the Western Ring Road and Northcliffe Dr extension in the Contributions Plan, including design scope, in liaison with relevant State agencies.
Regarding transport items NR56, NR57 and NR58 – Council should review the costings for this length of road to determine whether an allowance has been made for these watercourse crossings, and if not, that appropriate costs be included in a revised Draft 2024 Plan works schedule.	GLN Planning Consulting Strategy (Submissions 1 and 2)	<p>The costings included in the exhibited draft 2024 Plan are based on a Strategic Concept Design. This design does not include bridges / culverts / crossings identified in this submission. Staff are aware of this limitation.</p> <p>Concept design of Yallah and Marshall Mount Road, and the Western Ring Road is ongoing. Council has completed a 50% Concept Design of Yallah and Marshall Mount Road. Council staff propose to liaise with IPART through the review process, to identify opportunity to update the contributions plan to include infrastructure descriptions and costing consistent with this 50% concept design. The following changes are suggested -</p> <ul style="list-style-type: none"> - Suggest that 'B68' is updated to a bridge (super T over 20m new) of width 14m and length 26m to align with the 50% Concept Design for Yallah Marshall Mount (YMM) Road design project. - Suggest that 'B69' is updated to a bridge (super T over 20m new) of width 14m and length 108m to align with the 50% Concept Design for Yallah Marshall Mount (YMM) Road design project. - Suggest that all other structures within the YMM precinct are based on the current 50% Concept Design, noting that this design may be conservative OR the 80-100% Concept Design pending timing of concept road design and finalising draft contributions plan. <p>The ongoing design process for these roads will include appropriate bridge crossings and / or culverts at the locations identified in this submission. Staff will continue to inform landowners and provide access to the latest design through this process.</p>
Infrastructure contribution costs are to include the use of benchmark costs and placing limits on the essential work lists to development contingent infrastructure only.	Property Council of Australia Stantec Australia Pty Ltd	Infrastructure included in the exhibited draft 2024 Plan complies with the essential works list.

Cost for infrastructure items seem very high. This combined with the potential that these costs have been too conservative with lengths of infrastructure and bridge components. Bridge components should be an absolute minimum and only those instances where there is no alternative i.e., culverts.	Stantec Australia Pty Ltd	Infrastructure planned and built within WDURA results from detailed design process navigating various land and environmental constraints to determine infrastructure requirements.
Council and IPART should ensure that the contingencies are reasonable, and that additional contingency is not applied for each stage.	DFP Planning	Council staff have undertaken a detailed review of the approach to contingencies as part of this review of the draft 2024 Plan. Additional contingencies have not been applied for each stage. Staff welcome an independent review of the contingencies by IPART.
Infrastructure design has only been carried out at a strategic level. Costs should be transparent and cover capital and implementation costs only.	Wongawilli Resources PTY LTD (Submission 1)	The detailed costings which informed the exhibited draft 2024 Plan have been provided to all parties upon request. These costings, together with the Plan will be independently reviewed by IPART.
Design \ allowance has doubled from 5% to 10% with no apparent justification.	Stantec Australia Pty Ltd	Council staff have made recommended changes to design allocation based on design cost experience in recent projects throughout West Dapto. 5% is not considered sufficient to meet the costs experienced to date. Council staff welcome IPART's independent review of the proposed design allocation change.
All rates need to be checked against recent local tenders for similar infrastructure items. As 'registered cost estimators' often overvalues infrastructure.	Stantec Australia Pty Ltd	Council staff acknowledge the cost challenges faced by the development industry and affordability issues faced by the community. However, the draft 2024 Plan rates are considered appropriate to meet the cost of local infrastructure without increasing the burden on all Council rate payers. Council staff welcome an independent review of the draft Contributions Plan by IPART to test the reasonableness of the proposed rates.
A full cost benefit analysis and / or capacity to pay study should be undertaken to assess the impact of any proposed infrastructure charges on housing affordability.	Wongawilli Resources Pty Ltd (Submission 1) Wollongong Resources Pty Ltd (Submission 2) Property Council of Australia	Council staff acknowledge the cost challenges faced by the development industry and affordability issues faced by the community. However, the draft 2024 Plan rates are considered appropriate to meet the cost of local infrastructure without increasing the burden on all Council rate payers. Council staff welcome an independent review of the draft 2024 Plan by IPART to test the reasonableness of the proposed rates. Council staff have provided detailed costings information to parties on request and have accepted late submissions to allow time for consideration of those costings. Interested parties will also have an opportunity to review and comment on IPART's assessment of the proposed contributions plan when IPART undertakes their review during 2024.

Due to the significant cost increase, Council should proactively continue to review the scope and costs to items in the 2024 Plan to identify opportunities for more efficient and cost effective delivery of the required local infrastructure.	Legacy Property	Council updates the costs and scopes in the Contributions Plan as design of infrastructure processes. Where efficient approaches are available, Council will pursue them.
Total cost increase is over 60% since the 2020 Plan was adopted (4 years). Supporting detail and calculations underpinning the cost estimates should be provided. In addition, the submission notes increase in Local, State and Utilities developer charges which have occurred in recent months.	Malcolm Group CBRE Wongawilli Resources Pty Ltd (Submission 1) Wollongong Resources Pty Ltd (Submission 2) Stantec Australia Pty Ltd Property Council of Australia Stockland UDIA Legacy Property RDA Illawarra	Council staff acknowledge the cost challenges faced by the development industry and affordability issues faced by the community. However, the draft 2024 Plan rates are considered appropriate to meet the cost of local infrastructure without increasing the burden on all Council rate payers. Council staff welcome an independent review of the draft 2024 Plan by IPART to test the reasonableness of the proposed rates. Council also accept that industry is facing numerous increases. Council staff have provided detailed costings information to parties on request and have accepted late submissions to allow time for consideration of those costings. Interested parties will also have an opportunity to review and comment on IPART's assessment of the proposed contributions plan when IPART undertakes their review during 2024. Council staff note that the additional State based charges referred to in the UDIA submission refers to the SIC replacing H&PC. Council staff consider this not to be an additional charge for development within West Dapto as the SIC rate during 2023/24 was \$140,699 per ha or \$9,380 per dwelling based on 15 dwellings / ha. Both the SIC and now the HP&C have short term discount benefit. Council staff consider that the SIC and HP&C are comparable within the West Dapto context.
The proposed cost increase does not reflect an indexed rate of change in line with the rate of change evident in previous increases. There appears to be a disconnect between CPI, Land Indexation vs increase in development contributions through time.	Wongawilli Resources Pty Ltd (1) Wollongong Resources Pty Ltd (2)	Council staff acknowledge the cost challenges faced by the development industry and affordability issues faced by the community. However, the draft 2024 Plan rates are considered appropriate to meet the cost of local infrastructure without increasing the burden on all Council rate payers. Council staff welcome an independent review of the draft 2024 Plan by IPART to test the reasonableness of the proposed rates. Council staff have provided detailed costings information to parties on request and have accepted late submissions to allow time for consideration of those costings. Interested parties will also have an opportunity to review and comment on IPART's assessment of the proposed Contributions Plan when IPART undertakes their review during 2024.

Various submissions received comparing Shellharbour City Council Urban Release Area Contributions rate of (\$12,000/dwelling) and Shoalhaven City Council North Nowra Urban Release Area IPART (\$30,000) per lot cap to the West Dapto rate.	Stantec Australia Pty Ltd (Submissions 1 and 2) RDA Illawarra	Council staff acknowledge the cost challenges faced by the development industry and affordability issues faced by the community. However, the draft 2024 Plan rates are considered appropriate to meet the cost of local infrastructure without increasing the burden on all Council rate payers. Council staff welcome an independent review of the draft Contributions Plan by IPART to test the reasonableness of the proposed rates. Council staff do not consider any of the infrastructure proposed to be funded via the draft 2024 Plan to be 'gold plated'. The last two iterations of the Contributions Plan have been subject to IPART review. Staff have continued to adopt an approach that would ensure proposed infrastructure meets the reasonableness standard expected by IPART. Council staff consider the essential works list to be a minimum standard. Community facilities works are not on the essential works list for example, only community facilities land.
Request that Council consult with Sydney Trains and Transport Asset Holding Entity (TAHE) at the detailed project design stage of the overpass, which should consider whether closing the existing West Dapto Road level crossing would be a viable option.	Transport NSW	Council staff agree that Sydney Trains and TAHE should have close involvement in the detailed design of the major bridge overpass.
The road pavement rates/ costs are very high compared to Cardno's recent review for IPART. Yallah Road is around \$9,800/m, Huntley Road is \$6,200/m, the Western Ring Road comes in at \$7,280/m. They are all 4 lane roads so why are they all different rates?	Stantec Australia Pty Ltd	Road pavement costs vary dependant on whether the costing is based on a specific design and associated cost estimate, or where no design is available a benchmark cost is applied. In this instance, for example Yallah Road and Huntley Road, costings for both roads are based on specific design of the respective infrastructure.
Concern that Council may have 'doubled dipped' with road lengths at intersections and not reduced the length of roads accordingly. Request to see the details for confidence there are not any double ups.	Stantec Australia Pty Ltd	Council staff have reviewed the provision of road lengths and intersection treatments in the plan. In the instance where benchmark costs have been applied, pavement lengths and associated costs in the plan, do include the length of the road. The respective cost of the intersection or roundabout are additional to the base road costs and staff are satisfied the plan does not double dip. Where specific cost estimates have been integrated into the plan, the cost included in the estimate is applied.
p50/178: table 16 Transport - Active transport - Prioritise extending current network, rather than building isolated sections of less utility until eventually connected.	Illawarra Bicycle Users Group	Council staff acknowledge that the ultimate transport network for West Dapto needs to be delivered in stages for practical reasons. Where possible, improved connectivity will be prioritised.

TR07 – Darkes Road and Summit Road intersection: the cost allowances in the Current Plan have not been sufficient to facilitate a works in kind agreement for the delivery of this intersection.	Dapto Residential	Costings have been revised as part of the draft 2024 Plan preparation. This includes updated variable input assumptions for road works. Costings are available on request.
Recommend inclusion of new item, Rainbird Drive Extension (adjacent to open space item). As the Rainbird Drive extension provides benefits to the wider West Dapto Release Area, it should be a funded road within the Contributions Plan, including all works and land acquisition.	Dapto Residential	Staff have reviewed this issue and consider it reasonable to include a new segment of road on the south eastern side of OS02, approximately 354m in length (road type 3), in the West Dapto Contributions Plan, provided there is connectivity for bus use and flood-free access. The road would also provide a surveillance function for both the park as well as the shared path cycling route that would use the same alignment. This segment of road would connect areas of R2 zoned land and is proposed to be considered for inclusion for review by IPART.
Request for the east-west link road (road running parallel to Marshall Mount Road on the northern side) be included in the draft 2024 Plan for the following reasons: it contains a number of bridges, shares common boundaries between 330 and 346 Marshall mount Road, traverses C2 Environmental Conservation land where roads are not permitted. Inclusion and delivery of this road is sought including works and land acquisition costs, to secure an offset in contributions.	DFP Planning GLN Planning Consulting Strategy (2)	Staff note the road in question is access denied in nature, forms part of the flood reliable road network for Stage 5 and provides connection from North Marshall Mount Road, through Duck Creek Marshall Vale and Woodville Neighbourhood Plan areas, to the Western Ring Road. Staff note that one bridge separates the Neighbourhood Plan areas of Duck Creek Marshall Vale with Woodville east to west. This connection is required across two landholdings and is required to facilitate flood reliable access. Staff consider it reasonable that an additional bridge is included in the draft 2024 Plan, subject to review by IPART.
SINSW requests that the draft 2024 Plan also includes requirements for active travel infrastructure to support government schools.	School Infrastructure NSW	Infrastructure needs around schools are considered as part of Council's Active Transport Strategies and Plans. The design requirements for the various road types within West Dapto are outlined in detail in Chapter B2 Residential Subdivision of WDCP 2009. Locating schools in appropriate locations - taking advantage of road types that cater for school needs - should be an ongoing outcome pursued by School Infrastructure NSW, in liaison with Council staff.
OS02 - There were insufficient funds identified in the current 2020 Plan to complete the identified scope of improvements, and land acquisition costs appear not to have been appropriately indexed. We request from Council detailed calculations of the cost allowances for OS02 to assist further discussions on this matter.	Dapto Residential Pty Limited	Council Staff are comfortable with the embellishment cost assumptions relating to open space in the exhibited draft 2024 Plan. These have been informed by the SINA where relevant. In saying that, Council staff welcome the independent review of all costs in the draft 2024 Plan by IPART. This bridge is proposed to be 28m in length with two travel lanes and shared pathways on either side.

<p>The cost of bridges should be reviewed to ensure that their costs are realistic: The following five bridges in Elm Park and Highgate Hills in draft 2024 Plan are suggested -</p> <ul style="list-style-type: none"> • TR17 (Marshall Mount Road) – Bridges B65, B66 and B67, • TR25 (Western Ring Road) - Bridges B61 and B62. 	DFP Planning	The cost of bridges in the plan will be reviewed by staff and independently reviewed by IPART.
<p>Council should undertake a review of the proposed bridges with a view to lessen the number of bridges overall but provide those bridge designs which are based on engineering best practice and costs based on tendered rates.</p>	Property Council of Australia	<p>Council Staff note the length and treatment of bridges and waterway crossings is refined through the design process. Council Staff note in some instances descriptions of infrastructure items in the draft 2024 Plan require updating to align with design outcomes. Staff recommend this review is undertaken and considered for inclusion through the IPART review process.</p>
<p>The Western Ring Road (segment NR42) is not included in the draft 2024 Plan (or the current 2020 Plan). The DA (as lodged) has planned for a culvert over the upper extent of the C1 creek which has been estimated at a cost of approximately \$2.5million. C1 should also be funded.</p>	DFP Planning	<p>The C1 creek corridor is a Category 2 watercourse, which requires a single span or bridge crossing rather than a culvert as per Chapter E23 Riparian Land Management of the WDCP 2009.</p>
<p>The background data justifying the infrastructure costs and assumptions should be made available for review. This would enable sound technical review of many of the infrastructure items proposed, such as –</p> <ul style="list-style-type: none"> • Merits of bridges or culverts – both location and timing • Nature of bridges – clear span or central pier bridge types • Lengths of bridges – full floodway or a reduced opening • Costs of bridges – especially based on tendered rates. 	Stantec Australia Pty Ltd	<p>The detailed costings which informed the exhibited draft 2024 Plan have been provided to all parties upon request. These costings, together with the Plan will be independently reviewed by IPART. The detailed costings which informed the exhibited draft 2024 Plan have been provided to all parties upon request. These costings, together with the Plan will be independently reviewed by IPART.</p>

PB5 is a pedestrian bridge relating to infrastructure item TR36 (being bridges for the shared paths – TR35 is significantly undervalued.	DFP Planning	The cost of Pedestrian bridges in Schedule 3 of the exhibited draft 2024 Plan remains consistent with the adopted 2020 Plan, with the following exceptions – - cost in the exhibited draft 2024 Plan has been indexed. - on costs have been added consistent with the approach used for all other transport items. Council staff welcome independent review of this item by IPART.
There should be a concurrent review of infrastructure needs to ensure that it is commensurate with the actual needs of the future community.	Stantec Australia Pty Ltd	The SINA provides a contemporary position regarding the social infrastructure needs of the West Dapto Community. Council Staff agree periodic review of social infrastructure planned and provided is required. Council staff will continue to review the provision of Infrastructure, facilitated through regular review of the West Dapto Development Contributions Plan by Council and IPART.
The draft 2024 Plan now removes the reference to childcare which seems odd as this was a use that was being considered for the BBTC.	Stantec Australia Pty Ltd	Council staff agree planning for childcare facilities remains important for West Dapto. The draft CP 2024 notes that childcare facilities may be one of many uses facilitated through a community facility. Childcare facilities remain a permitted use with consent throughout many land use zones.
Issue: Request for contributions exemptions such as School sites. Support for Council proposed affordable, accessible, and emergency housing exemptions.		
Submission seeks SINSW request that 'school/ education facilities' be specifically listed in the exemptions list under section 2.22(b).	School Infrastructure NSW	Although not an explicit exemption listed in the exhibited draft 2024 Plan, NSW Government Schools would be exempt from development contributions under Clause 2.22(b) of the draft 2024 Plan. They are a public infrastructure development provided by the NSW State Government.
Issue: Land Values. Underlying zone assumptions have been questioned as basis for land value determination.		
The land value for three items (NR42, NR43 and NR44) segment is \$18,910,000. The draft 2024 Plan should adopt this value.	DFP Planning GLN Planning Consulting Strategy (1)	The costings in the draft 2024 Plan are based on revised land use zone land values for the release area (Walsh & Monaghan, 2022). These costings would also be subject to indexation prior to adoption. Actual expenditure on land acquisition will be integrated into future reviews of the West Dapto Contributions Plan as expenditure is finalised.
Council should determine the underlying zoning of the Open Space and apply the land value rate applicable to that zoning. Council has flood mapping data and this exercise is not onerous.	DFP Planning AXIA	Council staff welcome the review of the of land value assumptions by IPART.

The draft 2024 Plan should be updated to reflect the actual area of land required for OS14 and OS15 with a corresponding increase in the cost of works, and that the value of the additional land and works be taken into consideration during the negotiation of future planning agreements under the draft 2024 Plan.	Stockland	Costings used to inform the draft 2024 Plan are based on a consistent approach adopted across the release area. Staff do not propose to review that costing approach. Merit based considerations and outcomes may sometime vary through the DA process. However, the aspects relevant for contributions planning remain unchanged.
Issue: Land Value Indexation. Use of the Valuer General land valuation process to develop a Land Value Index is raised as an outstanding recommendation from the 2020 IPART review.		
The proposed methodology for land indexation requires clearer explanation. Land Value Index should not use whole of LGA data derived from the Valuer General but should use locality-specific data, and / or the Land Valuation Index should be reviewed annually.	DFP Planning Stockland	Council staff consider the proposed Land Value Index appropriate and note this approach will be reviewed by IPART. The costings in the draft 2024 Plan are based on revised land use zone land values for the release area (Walsh & Monaghan, 2022) and would be subject to the final land indexation prior to adoption. After adoption of the Contributions Plan, CPI is applied to land valuation.
Issue: Split catchment approach to contributions.		
Split catchment approach was recommended by IPART through their final assessment report. "Recommendation 21" from the 2020 Plan review required Council to introduce contributions catchments for transport, stormwater and plan administration costs between Stages 1-4 and Stage 5".	GLN Planning (Submissions 1 and 2) Consulting Strategy (Submissions 1 and 2) DFP Planning	<p>Council staff considered a split catchment approach in detail during preparation of the 2020 Plan and again as part of this review of submissions. Staff note that during the past two reviews of the Contributions Plan there have been requests to consider split catchment approaches. This has varied from Stages 1-3 and 4-5 to stages 1-4 and 5 in isolation. Council staff maintain that a single catchment approach is still the most appropriate approach for the following reasons -</p> <ol style="list-style-type: none"> 1 The shared demand nexus nature of infrastructure (in particular transport). 2 Whole release area planning benefits. 3 Ensuring consistency throughout contributions reviews. 4 The views raised in the 2019 IPART discussion paper "Inclusion of roads in Contributions Plans". <p>In addition, an equitable approach to splitting the stages of West Dapto is a complex exercise. Release area wide benefit of reduced catchments would not be realised. This approach has been reflected in the introduction of the State's Housing and Productivity Contribution in 2023. The new approach to State development contributions expanded the catchment of contribution beyond identified release areas as was the case in the previous Special Infrastructure Contribution approach. The State supporting</p>

		<p>documentation has described the new approach as simpler and fairer by applying consistent contributions towards the costs of infrastructure.</p> <p>Detailed response to spilt catchments is outlined in Council report of 24 June 2019, attachment 2 remains relevant: https://wollongong.nsw.gov.au/__data/assets/pdf_file/0021/37137/Draft-West-Dapto-Development-Contributions-Plan-2020-for-Exhibition.pdf</p>
<p>Spilt Catchment approach should apply to Transport works only (Council needs to attempt this approach). The transport contributions should be calculated using traffic modelling (not per capita) and on a stage basis. The effect of Council's apportionment methodology is that Stage 5 residential development will be subsidising Stages 1-4 to the order of \$97.5 million which is inequitable and unreasonable.</p> <p>Split catchment can also apply to administration costs.</p>	DFP Planning	<p>Council staff considered a split catchment approach in detail during preparation of the 2020 Plan and again as part of this review of submissions. Staff note that during the past two reviews of the Contributions Plan there have been requests to consider split catchment approaches. This has varied from Stages 1-3 and 4-5 to stages 1-4 and 5 in isolation. Council staff maintain that a single catchment approach is still the most appropriate approach for the following reasons:</p> <ol style="list-style-type: none"> 1. The shared demand nexus nature of infrastructure (in particular transport). 2. Whole release area planning benefits. 3. Ensuring consistency throughout contributions reviews. 4. The views raised in the 2019 IPART discussion paper "Inclusion of roads in Contributions Plans". <p>In addition, an equitable approach to splitting stages of West Dapto is a complex exercise. Release area wide benefit of reduced catchments would not be realised. This approach has been reflected in the introduction of the State's Housing and Productivity Contribution in 2023. The new approach to State development contributions expanded the catchment of contribution beyond identified release areas, as was the case in the previous Special Infrastructure Contribution approach. The State supporting documentation has described the new approach as simpler and fairer by applying consistent contributions towards the costs of infrastructure.</p> <p>A detailed response to spilt catchments is outlined in Council report of 24 June 2019, attachment 2 remains relevant: https://wollongong.nsw.gov.au/__data/assets/pdf_file/0021/37137/Draft-West-Dapto-Development-Contributions-Plan-2020-for-Exhibition.pdf</p>
<p>From a stormwater perspective apportionment methodology - Stage 5 residential development will be subsidising Stages 1-4 to the order of \$12.26 million which is inequitable and unreasonable contrary to the EP&A Act and the objectives draft 2024 Plan.</p>	DFP Planning	<p>Council staff maintain that a single catchment approach is still the most appropriate approach as referred to in the response above. Stormwater infrastructure contributions charged across all five stages provides an opportunity for release area wide stormwater management solutions to be implemented. Council will continue to investigate release area wide stormwater management solutions.</p>

Issue: Rail crossings safety and need for overpass (Northcliffe Drive Extension).		
An overpass at this location (Northcliffe Drive Extension overpass) delivered in a timelier manner to service the incoming densities will assist in our assessments and may also remedy some similar issues with other nearby crossings that are also under increasing pressure.	Transport NSW	Council staff are supportive of the need for timely investment by the State in delivery of the Northcliffe Drive Extension major bridge crossing of the Princes Hwy and Southern Railway line. Delivery of the Northcliffe Drive Extension will address safety concerns at the level crossing.
The overpass is identified as a high risk rail level crossing, hence the request to set out parameters in the contributions plan to allocate funds to expedite the construction of the overpass, and any associated property acquisitions	Transport NSW	The current 2020 Plan and the proposed draft 2024 Plan does not allocate or propose to allocate Section 7.11 contributions towards the major bridge 'overpass' component of the Northcliffe Drive Extension (Contributions Plan map reference "TR18 – B2"). This overpass of the Princes Highway and Southern Railway has been a long term inclusion in first the draft West Lake Illawarra SIC determination and the 2021 Illawarra Shoalhaven SIC determination. Council considers that the major bridge remains the responsibility of the State and should be funded from either the Housing and Productivity Contributions framework or other State funding means.
To enable the construction of the overpass without delay we would encourage Council to allocate sufficient funds within the plan based on a preliminary design providing a basis for cost of construction and any associated property acquisitions.	Transport NSW	The current 2020 Plan and the proposed draft 2024 Plan does not allocate or propose to allocate Section 7.11 contributions towards the major bridge 'overpass' component of the Northcliffe Drive Extension (Contributions Plan map reference "TR18 – B2"). This overpass of the Princes Highway and Southern Railway has been a long term inclusion in first the draft West Lake Illawarra SIC determination and the 2021 Illawarra Shoalhaven SIC determination. Council considers that the major bridge remains the responsibility of the State and should be funded from either the Housing and Productivity Contributions framework or other State funding means.
Issue: Request for Council to improve flood mapping to ensure awareness. Concern raised regarding the development yield impact of the 2023 adopted Mullet Ck Floodplain Risk Management Study and Plan (FRMSP).		
The recently released Mullet and Brooks Creek Floodplain Risk Management Plan (2023) has introduced the new concept a Defined Flood Event which is the former 1%AEP plus climate change, roughness, sea level rise and freeboard. Has increased the requirement for bridge, culvert and removal of developable land. Both would have a disastrous impact on the draft 2024 Plan.	Stantec Australia Pty Ltd	Council staff note this submission point relates to alternative related project. The term 'Defined Flood Event' (DFE) has been introduced by the NSW Government as the flood event used for the management of flooding to development. For the Mullet Creek catchment in the location of the release area, the DFE is based on the 1% AEP event + sea level rise + climate change rainfall increase + blockage envelope + riparian roughness envelope. The DFE does not include freeboard.

		A comparison of the 2018 and 2023 flood levels based on the 1%AEP and DFE indicate minor increases in some locations across the catchment and have little to no impact on the draft 2024 Contributions Plan or future development potential.
Council should 1. Carry out floodplain mapping of the development(s) so that residents are aware of the potential risk to property and insurance costs and 2. prohibit building (development) on land at high risk of flood.	RDA Illawarra	Council has recently completed a comprehensive analysis of flooding for the Mullet Creek catchment as part of the 2023 Mullet Creek Floodplain Risk Management Study and Plan. This analysis was based on the latest national flood modelling approaches. Flood risk precinct categories for all properties within the Mullet Creek catchment are available from Council – these flood risk precincts are typically documented within specific Section 10.7 planning certificates for properties. A floodplain risk management study and plan is currently underway for the Duck Creek catchment (Stage 5 of the West Dapto Urban Release Area). Council's current flood development controls prevent any intensification of high flood risk areas and floodway's with development, and provide specific guidance on developing within suitable flood prone areas.
Issue: Open Space provision and cost questioned. This includes concern with the increase area of land and embellishment costs.		
Council should consider a flexible approach to the provision of open space areas that meets the needs of the future community, while allowing other essential services to be provided.	Stantec Australia Pty Ltd)	The SINA and contributions plan provides a level of detail around the outcomes expected for open space items. The neighbourhood planning phase and development assessment process facilitates the overall outcomes for each site.
A workshop should be held with Council and adjacent owners to resolve the park location (or locations), east-west connector road and public transport provision.	Stantec Australia Pty Ltd)	Council staff will continue to work with landowners to facilitate outcomes for specific sites relating to all types of infrastructure. This will occur on a case by case basis.
OS23 has increased from 4 ha to 8.5 ha, with a significant increase in development cost.	Stantec Australia Pty Ltd DFP Planning	Open Space and Community Facilities have been updated and informed by the 2023 West Dapto Social Infrastructure Needs Assessment. This has resulted in an increase in open space area required for the release area.
Bong Bong Town Centre – there is significant land take- up and costs relating to this open space. The location is unclear. The imposition of a now 10 ha hectare district park will effectively render the entire site, or significant areas around it undevelopable.	Stantec Australia Pty Ltd	Open Space and Community Facilities have been updated and informed by the 2023 West Dapto Social Infrastructure Needs Assessment. This has resulted in an increase in open space area required for the release area. Council Staff welcome the review of open space provisions in the contributions plan by IPART.

<p>Drastic cost increase in open space and recreation from \$75.83 M to \$326.736M. It is unclear why these cost components have risen so much therefore the request for further detailed information justifying why.</p> <p>Seek staff review the open space with the intent to reduce this focusing on outcomes rather than land input.</p>	<p>Stantec Australia Pty Ltd (submission 1) Stantec Australia Pty Ltd (submission 2) Property Council of Australia DFP Planning UDIA</p>	<p>Council Staff acknowledge the exhibited draft 2024 Plan includes an overall increase in the provision of open space across WDURA.</p> <p>Between adoption of the 2020 Plan and the exhibited draft 2024 Plan, an extensive review of open space need was undertaken to provide a contemporary basis for West Dapto. This is consistent with recommendation 13 and 14 of IPART's 2020 Final Assessment Report.</p> <p>The SINA (2023) includes performance based criteria for open space for use across West Dapto. This will be used to plan for and build open space outcomes. The land areas included in the exhibited draft 2024 Plan will enable adequate provision of open space into the future. Previous open space requirements were based on a 2007 study.</p> <p>IPART will undertake a review of the exhibited draft 2024 Plan and make recommendation to the Minister for Planning and Public Places which will consider the reasonableness of proposed open space provision.</p>
<p>OS23</p> <p>The draft 2024 Plan should be reduced from 8.5ha to 7.7ha to reflect the RE1 zone.</p> <p>land valuation - Dyson Valuer has valued OS23 at \$11,700,000 and the draft 2024 Plan should adopt this value. If the area of OS23 is retained at 8.5ha, then a revised valuation for the larger area will be required.</p>	<p>DFP Planning</p>	<p>As per the draft CP 2024, OS23 is expected to deliver district sport outcomes. Staff are aware the RE1 zoned land is approximately 7.7 ha in size. Staff expect the final district sport outcomes and resulting land area will result from finalisation of the respective Neighbourhood Plan.</p>
<p>The open space review should also assess the option to establish a Council Special Rate Vehicle for West Dapto that targets both existing and future residents in and adjoining the Urban Release Area.</p>	<p>Property Council of Australia Stantec Australia Pty Ltd</p>	<p>Staff acknowledge the exhibited draft 2024 Plan includes an overall increase in the provision of open space across WDURA.</p> <p>Between adoption of the 2020 Contributions Plan and the exhibited draft 2024 Plan, an extensive review of open space need was undertaken to provide a contemporary basis for West Dapto. This is consistent with recommendation 13 and 14 of IPART's 2020 Final Assessment Report.</p> <p>The SINA (2023) includes performance based criteria for open space for use across West Dapto. This will be used to plan for and build open space outcomes. The land areas included in the exhibited draft 2024 Plan will enable adequate provision of open space into the future. Previous open space requirements were based on a 2007 study.</p> <p>IPART will undertake a review of the draft exhibited draft 2024 Plan and make recommendation to the Minister for Planning and Public Places which will consider the reasonableness of proposed open space provision.</p>

		Existing West Dapto development has made contribution in accordance with the relevant contributions plan at the time of development. The SINA 2023 identified that existing neighbouring Horsley residents have sufficient existing open space to meet their needs. They will not be reliant on the open space proposed open space throughout West Dapto.
The increase in open space is matched with a 18.34% reduction in residential land (i.e., 326.1 ha loss). At 15 lots per ha, this would equate to a loss of up to 4,900 dwellings in the URA which is concerning given the current housing crisis.	Stantec Australia Pty Ltd UDIA	Council staff can confirm that the majority of reduction in residential land reflects an adjustment made between the 2020 Plan and draft 2024 Plan to remove reliance on 251.41 ha of C3 Environmental Management land for residential outcomes. In 2020, the reliance of C3 (then E3) land resulted in a yield of only 16 dwellings. Therefore, the substantial residential land area reduction does not contribute to the majority of potential yield. Unfortunately, the submission assumption that 326.1 ha of reduced residential land would result in a loss of 4,900 dwellings is not accurate. 3,771.15 of those assumed dwellings lost would rely on the development of 251.41 ha of C3 Environmental Management land which is not possible. In 2020 the 251.41 ha of C3 land was assumed to yield 16 dwellings only. Therefore, the total reduction in yield is substantially less when relying on a crude 15 dwellings / ha rate. Council staff are encouraging increased housing variety and density throughout the R2 and R3 zoned land of the release area. In addition, Council staff have explored other housing opportunities within the future Centres of West Dapto through the draft Centres Master Planning project.
Better use / recognition of C2 and C3 zoned land for recreation (LEP permissible with consent, and recognised in the West Dapto Open Space Design Manual)	DFP Planning	The SINA (2023) includes performance based criteria for open space for use across West Dapto. This will be used to plan for and build open space outcomes. The land areas included in the exhibited draft 2024 Plan will enable adequate provision of open space into the future. Previous open space requirements were based on a 2007 study. IPART will undertake a review of the draft Plan 2024.
Council should ensure that, at a minimum, a concept design is prepared for each open space infrastructure item with a cost estimate by a quantity surveyor.	DFP Planning	Where available Council costings have been informed by latest designs. This has been the case in primarily roads. However, the open space costs were informed by costing work undertaken as part of the 2023 SINA and considered more appropriate than outdated assumptions in previous versions of the Contributions Plan. Ongoing reviews of the Contributions Plan would be informed by Concept Design quantity surveyor costings where available. For example, based on the indicative timing of OS01 District Sports Park adjacent to Darkes Town Centres the next review of the Contributions is expected to benefit from a design based costing. Between adoption of the 2020 Contributions Plan and the exhibited draft 2024 Plan, an extensive review of open space need was undertaken to provide a contemporary basis for West Dapto. This is consistent with recommendations 13 and 14 of IPART's 2020 Final Assessment Report. The SINA (2023) includes performance based criteria for open space for use across West Dapto. This will be used to plan for and build open space outcomes. The land areas

		<p>included in the exhibited draft 2024 Plan will enable adequate provision of open space into the future. Previous open space requirements were based on a 2007 study.</p> <p>IPART will undertake a review of the draft 2024 Plan and make recommendation to the Minister for Planning and Public Places which will consider the reasonableness of proposed open space provision.</p>
<p>A surplus of 7.97 ha in district sport and district recreation parks was identified in the suburb of Horsley. Draft 2024 Plan anticipated a population increase in Horsley of 77 people (p16 of the draft 2024 Plan). This population increase will not absorb the 7.97 ha surplus. This should be recognised in the draft 2024 Plan to help reduce the planned open space/total costs.</p>	DFP Planning	<p>Where available Council costings have been informed by latest designs. This has been the case in primarily roads. However, the open space costs were informed by costing work undertaken as part of the 2023 SINA and considered more appropriate than outdated assumptions in previous versions of the Contributions Plan. Ongoing reviews of the Contributions Plan would be informed by Concept Design quantity surveyor costings where available. For example, based on the indicative timing of OS01 District Sports Park adjacent to Darkes Town Centre, the next review of the Contributions Plan is expected to benefit from a design based costing. Between adoption of the 2020 Contributions Plan and the exhibited draft 2024 Plan, an extensive review of open space need was undertaken to provide a contemporary basis for West Dapto. This is consistent with recommendations 13 and 14 of IPART's 2020 Final Assessment Report. The SINA includes performance based criteria for open space for use across West Dapto. This will be used to plan and build open spacesThe land areas included in the exhibited draft 2024 Plan will enable adequate provision of open space into the future. Previous open space requirements were based on a 2007 study.</p> <p>IPART will undertake a review of the exhibited draft 2024 Plan and make recommendation to the Minister for Planning and Public Places which will consider the reasonableness of proposed open space provision.</p>
<p>OS10 - With the consolidation to (5ha) should Legacy progress with developing the site, they will seek to split the provision of OS10 into two broadly equal facilities.</p> <p>OS10 is indicatively located within the subject site ('in the vicinity of Jersey Farm Village Centre') and is noted that the draft 2024 Plan outlines a 25% increase in size (from 4ha to 5ha) and the indicative timeframe has also been pushed out.</p>	Legacy Property	<p>Open space changes reflect the recommendations adopted by Council from the SINA 2023. The increase to 5ha is consistent with the needs assessment.</p> <p>Previous draft applicant planning work for the Wollongong Coal holding has not been subject to a full merit assessment. Council staff do not prefer splitting of Open Space outcome as the opportunity to deliver formal sporting facilities becomes compromised.</p>

<p>Numerous Local Parks are included in the draft 2024 Plan and these two local parks (located in Woodville Neighbourhood Plan area) should be included in the draft 2024 Plan with the below valuations:</p> <ol style="list-style-type: none"> 1 The local park in Stage 1 (1.4 ha) is \$280,000 2 The local park in Stage 7 (0.5ha) is \$270,000 	<p>DFP Planning</p>	<p>Council staff do not consider additional local parks are a reasonable inclusion in the Contributions Plan. The draft 2024 Plan has only been updated to reflect formal open space with broader catchment benefit. The two local parks referred to in this submission, while important, are considered to only service a small local catchment.</p>
<p>Issue: Essential Works List, specifically lack of Childcare facilities funding.</p>		
<p>Concern regarding how the provision of childcare facilities (including long day care and before/after school care) is no longer considered as 'Essential Works' and is not funded by development contributions.</p>	<p>RDA Illawarra</p>	<p>Council staff agree planning for childcare facilities remains important for West Dapto. The 2020 Plan is a Section 7.11 Contributions Plan under the Environmental Planning and Assessment Act, 1979. Section 7.11 Contributions have a very limited role in funding for community facilities. Council can only collect contributions for the land component. Construction and building components cannot be funded from Section 7.11 contributions. The NSW Department of Planning, Housing and Infrastructure publishes an "Essential Works List" that outlines what Council can collect Section 7.11 Contributions for. The items in the draft West Dapto Development Contributions Plan are limited to those essential works list items which are published by DPE via Ministerial Direction dated 18 December 2018. Council has previously and will continue to advocate for inclusion of Community Facilities works in the essential works list.</p>
<p>Issue: Concern raised regarding increase in Commercial Development contributions.</p>		
<p>The levying of contributions for commercial at now 50% of the same rate as for residential is considered inequitable due to both the scale of demand for service infrastructure by these uses; and the associated development returns.</p>	<p>Stantec Australia Pty Ltd</p>	<p>Council staff acknowledge the cost challenges faced by the development industry and the viability issues faced with commercial development. However, the draft 2024 Plan rates are considered appropriate to meet the cost of local infrastructure without increasing the burden on all Council rate payers. Council staff welcome an independent review of the draft 2024 Plan by IPART to test the reasonableness of the proposed rates. Council staff have provided detailed costings information to parties on request and have accepted late submissions to allow time for consideration of those costings. Interested parties will also have an opportunity to review and comment on IPART's assessment of the proposed Contributions Plan when IPART undertakes their review during 2024.</p>

<p>The rate levied on commercial land uses like the Bong Bong Town Centre will increase from \$371,189.35 / ha to \$620,093.56 / ha – a 67% increase. In previous Contribution Plans it was zero. As a result, effecting the viability of commercial development.</p>	<p>Stantec Australia Pty Ltd</p>	<p>”Council staff acknowledge the cost challenges faced by the development industry and the viability issues faced with commercial development. However, the draft 2024 Plan rates are considered appropriate to meet the cost of local infrastructure without increasing the burden on Council rate payers. Council staff have reviewed current and previous contribution rates from the 2017 and 2020 Plans and have noted commercial land was levied. Council staff welcome an independent review of the draft Contributions Plan by IPART to test the reasonableness of the proposed rates. Council staff have provided detailed costings information to parties on request and have accepted late submissions to allow time for consideration of those costings. Interested parties will also have an opportunity to review and comment on IPART’s assessment of the proposed Contributions Plan when IPART undertakes their review during 2024.</p>
<p>Issue: Housing density and residential land reduction concern raised. Impact on development forecasting.</p>		
<p>Concerns raised around the WDURA completion date (mid 2060s), large contingencies (25%) and the absence of any detailed design of infrastructure items which results in their costing being volatile.</p>	<p>RDA Illawarra</p>	<p>Council staff acknowledge the cost challenges faced by the development industry and affordability issues faced by the community. However, the draft 2024 Plan rates are considered appropriate to meet the cost of local infrastructure without increasing the burden on all Council rate payers. Council staff welcome an independent review of the draft Contributions Plan by IPART to test the reasonableness of the proposed rates.</p>
<p>Recommendation that Council undertake a review of the West Dapto Yield and Infrastructure Needs Assessment focusing on the opportunities to recover lost yield and the resulting infrastructure needed (18.34% reduction in residential land), and / or opportunities to recover lost yield from infrastructure need.</p>	<p>Property Council of Australia UDIA</p>	<p>Council staff can confirm that most of the reduction in residential land reflects an adjustment made between the 2020 Plan and the draft 2024 Plan to remove reliance on 251.41 ha of C3 Environmental Management land for residential outcomes. In 2020, the reliance on C3 (then E3) land resulted in a yield of only 16 ha. Therefore, the substantial residential land area reduction does not contribute to the majority of potential yield. Unfortunately, the submission assumption that 326.1 ha of reduced residential land would result in a loss of 4,900 dwellings is not accurate. 3,771.15 of those assumed dwellings lost would rely on the development of 251.41 ha of C3 Environmental Management land which is not possible. In 2020 the 251.41 ha of C3 land was assumed to yield 16 dwellings only. Therefore, the total reduction in yield is substantially less when relying on a crude 15 dwellings / ha rate. Council staff are encouraging increased housing variety and density throughout R2 and R3 zoned land in the release area. In addition, Council staff have explored other housing opportunities within two of the future centres of West Dapto through the draft Centres Master Planning project.</p>

Council should proactively review and support changes to LEP minimum lot size controls that would allow increase yields and greater housing diversity throughout West Dapto. The provision for additional smaller lots (say 300-400sqm) will also support increased housing affordability.	Legacy Property	Council staff are willing to consider a revision of density outcomes where appropriate and subject to merit assessment through the appropriate land use planning process, such as the NSW Planning Proposal process.
Table draft 2024 Plan (p17) shows that the total dwelling forecast for Stage 5 is 3,703 dwellings. This a reduction from the current 2020 Plan forecast of 4,260 dwellings. The basis for the reduced dwelling forecast is not explained.	DFP Planning	<p>Council staff have reviewed the land use and density assumptions informing the draft 2024 Plan. An error has been noted in the dwelling density assumption for a portion of R3 zoned land within stage 5. The assumption informing the exhibited plan assumed a density of 13 dwellings per ha. Staff have reviewed this and note the correct density assumption is 30 dwellings per ha. The overall dwelling yield for stage 5 is in the order of 4264 dwellings.</p> <p>The impact of this change is that means will be a small overall reduction in the development contribution rates.</p> <p>Staff recommend this change is reviewed by IPART.</p>
<p>The total developable land area has decreased from 1,981 hectares to 1,722 hectares (loss of 326 hectares) of residential land. It would be beneficial for Council to clarify the scope of C3 zoned land that will be removed from their residential assumptions.</p> <p>Recommend staff review of the West Dapto Yield and Infrastructure Needs Assessment focussing on the opportunities to recover lost yield (326.1 ha loss) and the resulting infrastructure need.</p>	<p>UDIA</p> <p>Property Council of Australia</p>	<p>Council staff can confirm that the majority of reduction in residential land reflects an adjustment made between the 2020 Plan and the draft 2024 Plan to remove reliance on 251.41 ha of land zoned C3 Environmental Management. In 2020 the reliance of C3 (then E3) land resulted in a yield of only 16 dwellings. Therefore, the substantial residential land area reduction does not contribute to the majority of potential yield. Unfortunately, the submission assumption that 326.1 ha of reduced residential land would result in a loss of 5,500 dwellings is not accurate. 3,771.15 of those assumed dwellings lost would rely on the development of 251.41 ha of C3 Environmental Management land which is not possible. In 2020, the 251.41 ha of C3 land was assumed to yield 16 dwellings only. Therefore, the total reduction in yield is substantially less when relying on a crude 15 dwellings / ha rate. Council staff are encouraging increased housing variety and density throughout the R2 and R3 zoned land in the release area. In addition, Council staff have explored other housing opportunities within the future Centres of West Dapto through the draft Centres Master Planning project.</p>
That Council works with industry to refine the forecasted new homes projected to be delivered in the West Dapto URA and consider the affordability impact of delivering less dwellings than was originally forecast.	UDIA	Council Staff continually review forecasts based on information gather from ongoing discussions with industry, DPHI, other infrastructure service providers.

Council could review dwelling yield opportunities within the WDURA and aim to increase yields elsewhere to maintain dwelling yields.	Stantec Australia Pty Ltd	Council staff will continue to assess Planning Proposals with the intent to facilitate housing outcomes in line with the West Dapto Vision. Council staff will continue to work with applicants during subdivision development applications, to facility dwelling yield aligned with the planning controls and responsive to site and environmental constraints.
Issue: Calderwood development relationship to the 2024 Plan questioned including nexus.		
Marshall Mount Town Centre Bypass impacts developable land in the north of the CUDP. Partial acquisition and arrangements for the offset or credit should be factored into the costs of infrastructure and revenue assumptions from the CVPA.	Calderwood Valley	Council staff will continue to liaise directly with Lendlease regarding existing Voluntary Planning Agreement implications.
Modification 4 increased the estimated dwelling yield across the CUDP from 4,800 to 6,000 dwellings. That change should be reflected in the Contributions Plan to the extent that it influences estimated contributions from the CUDP towards West Dapto infrastructure.	Calderwood Valley	Council staff will continue to liaise directly with Lendlease regarding existing Voluntary Planning Agreement implications.
Overlapping infrastructure scope and standards at the interface of the WDURA and CUDP warrants detailed investigation. Road alignments, street profiles and flood extents should be coordinated such that standards are consistent.	Calderwood Valley	Council staff will continue to liaise with all relevant land owners, developers and Shellharbour Council staff in relation to local infrastructure near and adjoining the LGA boundary.
More discussions between Wollongong Council and Lendlease would be useful to establish infrastructure staging and timing for the WDURA/CUDP area. Also ensure appropriate cost estimates for infrastructure items are accounted for.	Calderwood Valley	Council staff will continue to partake in discussions with Lendlease regarding provision of infrastructure.
The draft 2024 Plan does not account for infrastructure that will be delivered within the CUDP or the broader benefits to the West Dapto community that will be derived from that infrastructure.	Calderwood Valley	The SINA, adopted by Council 28 August 2023, informed preparation of the draft 2024 Plan. The SINA considered the proposed Calderwood infrastructure provision. Road network requirements have been informed by the West Dapto Vision 2018 Structure Plan which was informed by Council's regional traffic model, including the development assumptions at Calderwood.

Section 4.3.4 relates to nexus and apportionment of the transport network) (Yallah Rd, Marshall Mount Rd & Marshall Mount Town Centre Bypass. If this clause implies additional contributions will be collected from Calderwood development in the exhibited Contributions Plan, the exhibited plan should be amended such that all contributions are accommodated with the VPA.	Calderwood Valley	The draft 2024 Plan does not propose additional contributions from development at Calderwood. Calderwood contributions would continue to be made via executed Planning Agreements.
CF05 The cost of land is \$1,300,000 equating to \$130/m2. This rate has been applied to all 6 Community Facilities in the WDURA. It is not clear why. The valuation supports a land value of \$3,500,000.00. The Draft 2024 Plan has significantly undervalued this land and should be revised to adopt this value.	DFP Planning AXIA	Council staff will review the appropriateness of assumed land zones for each of the Community Facilities. A commercial rate based on the Walsh & Monaghan valuation is expected to be used for CF05.
Land value of CF05 questioned and noted as not adequate. Area CF05 has increased from 3,500m2 to 10,000 m2.	Stantec Australia Pty Ltd AXIA DFP Planning	Council staff will review the appropriateness of assumed land zones for each of the Community Facilities. A commercial rate based on the Walsh & Monaghan valuation is expected to be used for CF05.
Issue: Concern was raised that Council intends to 'claw back' contributions deficit from previous development, including Calderwood.		
The claw back on prior \$30k contributions, and particularly the \$75M shortfall from Calderwood developer agreements should not be levied in the draft 2024 Plan.	Stantec Australia Pty Ltd (Submissions 1, 2 and 3) DFP Planning	Council staff have no intent to 'claw back' losses and agree that would be unreasonable. The report is simply acknowledging the shortfall already faced by Council. The proposed contribution rates in the draft 2024 Plan reflect the revised cost of infrastructure. Council will continue to experience the losses referred to in the Council report even if the proposed contribution rates are adopted. If a rate less than that proposed in the draft 2024 Plan is adopted Council would experience a larger shortfall.

Issue: Community Facilities particularly CF05 sub-district facility status questioned		
<p>CF05</p> <p>Council should explore the option of providing two local centres utilising the North Marshall Mount Road Progress Hall and CF05 (as located and sized in the current 2020 Plan), then two neighbourhood facilities would be available which still gives good coverage of Area 10 catchment as illustrated in Figure 3.</p>	<p>DFP Planning</p>	<p>Staff have reviewed feedback in relation to CF05, specifically the proposed upgrade of the planned neighbourhood scale facility to a sub-district scale facility through the exhibited draft 2024 Plan.</p> <p>Submissions identified proximity and overlap between stage 5 of WDURA and Calderwood development. Staff understand the size of the planned Calderwood multi-purpose community facility is based on the expected population of Calderwood. Staff understand library facilities for the expected population of Calderwood will be provided offsite via an extension and refurbishment of the Albion Park Library. Council staff consider the spatial proximity to the planned multi-purpose community facility within Calderwood may be relevant however note the capacity of this site will not cater for the needs of WDURA residents.</p> <p>Council staff have reviewed feedback provided through exhibition period relating to CF05. The SINA notes the need for a second sub-district scale community facility in WDURA results from a spatial gap relating to stages 4 and 5, with the gap arising under the ultimate development scenario (i.e., WDURA is completely developed). The SINA notes CF05 could be of a 'local scale', being between 1,500 – 24,000m2. Staff recommend CF05 is amended from the sub district scale in the draft 2024 Plan, to a local scale community facility, for consideration by IPART.</p>
<p>CF05</p> <p>The built form envisaged by the LEP controls would be buildings of up to at least 4 storeys. A land area of 10,000m2 for a building with a GFA of 3,600m2 is a significant under-utilisation of the MU1 zone. A community facility integrated into a mixed use building will require less land.</p>	<p>DFP Planning</p>	<p>The built form of the community facility will be determined as design and planning progress. In saying this, staff note the issue and agree that it may be reasonable to explore a multi-level facility indicatively located as opposed to a single storey development.</p> <p>If the proposed community facility CF05 is amended from the exhibited sub-district scale to a local scale, the land area assumed to be required would reduce accordingly.</p>
<p>CF05 has been relocated from land zoned R2 low density residential to land zoned MU1 (in the Marshall Mount town centre) that has a higher value and has a strategic function to deliver housing density. Council should explore other opportunities on lower value land, land already identified for acquisition, existing buildings or shared facilities with Shellharbour Council.</p>	<p>DFP Planning</p>	<p>Social Infrastructure is indicatively located on the West Dapto Development Contributions Plan mapping. A final location is subject to more detailed analysis, including Neighbourhood Planning. CF05 is being considered in Council's Centres Master Planning Project. A draft Centres Master Planning package was endorsed by Council on 11 December 2023 for public exhibition. The exhibition commenced in February 2024, after school holidays. Further opportunity to provide comment on the spatial location of future CF05 is available through that exhibition process, which closes on 4 March 2024</p>

Indicative location of CF03 appears to be in the middle of the BBTC. The Draft 2024 Plan also notes that the exact composition and use of multipurpose centre will be determined through planning process, but the BBTC has existing zones and an approved Neighbourhood Plan.	Stantec Australia Pty Ltd	Council staff note the indicative location of CF05 remains consistent with the location as depicted in the current adopted 2020 Plan. The final location of the community facility will be determined through landholder consultation and Development Assessment.
Issue: Support for shared use paths		
Shared use paths and bridges were welcomed inclusions in the draft 2024 Plan. Prioritisation of the existing network rather than building new isolated areas is suggested.	Illawarra Bicycle Users Group	Council staff notes the support for shared use paths and bridges and acknowledge challenges created for users when subdivisions are built but the entire network is not connected.
Issue: Individual matters and edits		
Review labelling of mapping for Northcliffe Drive Extension	Transport NSW	Council staff to review map labelling and update prior to adoption of a final Contributions Plan.
Current strategic plans have the Western Ring Road and Marshall Mount Rd as key corridors for future bus routes servicing the wider development areas. We would like to see those corridors built in a way that allows for efficient bus services.	Transport NSW	Council staff consider the Council Type 2 Road design requirements would meet this public transport (bus servicing) network function requirement. Council staff will continue to liaise with relevant TfNSW staff as road project planning continues, including design.
On p5 and p37 of draft 2024 Plan (i.e. \$1,040,819,526) does not match the total in Schedule 3 on p70 (i.e. \$1,034,526,664).	DFP Planning	Errors are acknowledged and will be corrected prior to adoption of the final plan by Council.
With reference to clause '2.19 Savings Provisions and Transitional Arrangements', this states that it is, not reasonable that DAs already lodged should be subject to the new Development Contribution rates.	DFP Planning	The approach proposed in the draft Contributions Plan is consistent with the existing 2020 Contributions Plan which has previously been subject of IPART review. Council staff consider the approach to be reasonable.

No funding mechanism using per capita annual council fees as residents enter the area, to help fund the infrastructure, nor any proposal to modestly increase annual rates across entire Wollongong LGA as a funding mechanism.	Stockland Stantec Australia Pty Ltd	Contributions collected through the West Dapto Development Contributions Plan (s7.11 plan) will fund essential infrastructure detailed in the plan.
p46/174: Table 14 - Transport- Intersections - Roundabouts can be hazardous for cyclists - change from signals to roundabouts should not increase risks.	Illawarra Bicycle Users Group	All roads identified in the West Dapto Contributions Plan are designed with cyclists and pedestrian safety in mind. The few intersections that have been changed to roundabouts are generally on those more major roads, with shared paths provided for cyclists so they are not riding on the road amongst traffic. The Safe Systems Approach has shown that roundabouts have safety benefits for road users through speed reduction and crash severity reduction and can be used to enhance 'place' outcomes by calming traffic. The design of the roundabouts will consider the road environment and opportunities for improved cycle safety.
The east / west extension of Wholahan Avenue through the centre of the site creates a barrier to movement through the town centres, significantly altering the urban scale and connectivity of the retail precinct. The design considerations are yet to be considered in any meaningful spatial way.	Stantec Australia Pty Ltd	The issue being referred to is a Neighbourhood Planning consideration and not a consideration of the Contributions Plan development.
TR35 should be added to Figure 10 Map – Transport (Sheet 6) and Schedule 3 – Transport (cost of infrastructure) should be revised for the increased length	DFP Planning	Council staff will review mapping in relation to TR35. Costings for the proposed shared path have been reviewed and are considered appropriate.
It is not clear in the Council Officer's Report / draft 2024 Plan why the apportionment of road works to the Calderwood development has changed and what impact this has on the WDURA contribution rates.	DFP Planning	Council staff note apportionment of transport infrastructure to Calderwood requires review and is recommended to be reviewed by IPART.
What are "Bus transport kiosks"? Can a definition or example be provided elsewhere in the document?	Transport NSW	A Bus transit kiosk is a larger bus stop / shelter that is provided where bus routes converge or at major stops like Town or Village Centres. Typically, these stops have higher levels of amenity, bus passenger information and capacity. Staff note this definition can be added to the contributions plan if required.

A 28 day exhibition period from 6th November to 4th December 2023, this is an insufficient amount of time from decision making to the end of the exhibition period.	Wollongong Resources Pty Ltd (1)	The exhibition period for the draft West Dapto Contributions Plan occurred in accordance with the report to Council, informed by Council's Community Participation Plan. 28 days is a standard acceptable exhibition period. However, Council staff acknowledge there was desire by some stakeholders to have more time to make a submission. As a result, council staff accepted late submissions up until the 23rd of December 2023. Interested stakeholders will also have an opportunity to comment on IPART's draft assessment which would also be available on IPART's website during 2024.
Concern raised states that Wollongong City Council should take all reasonable steps to ensure that future stages of West Dapto development, include at least ten percent (10%) of affordable housing, and at least three (3%) percent of accessible housing.	RDA Illawarra	Council's 2023 Housing Strategy requires that for West Dapto and the whole LGA any upzoning proposed needs to include an affordable housing requirement of a minimum of 5% of the Gross Floor Area of proposed residential developments will be required to be provided as Affordable Rental Housing. In addition, Council will continue to work with the State to encourage more State investment in the Affordable housing sector.
Additional consultation between SINSW and Council should be undertaken prior to the finalisation of the Draft Plan.	School Infrastructure NSW	Council staff will continue to engage with all State agencies in relation to infrastructure affecting WDURA. The Contribution Plan does not provide funding for school infrastructure, this is a State responsibility through the Housing and Productivity Contribution.
Council should advocate to Transport for NSW to deliver public transport services to the developing stages of West Dapto as a priority once essential infrastructure (e.g. bus stops) is complete and for council to publish regular reports showing cumulative development contributions and expenditure.	RDA Illawarra	In line with the requirements outlined in Division 4 of the Environmental Planning and Assessment Regulation 2021, and s428 of the Local Government Act 1993, Council makes available a development contributions register, and publishes annual reports and statements outlining how development contributions have been used or expended.
Various submissions received who are not in support of the draft 2024 Plan.	Various individual parties (online)	Staff note issues of non-support and where specific issues were raised, these are addressed in this table and within the Council report.
DPE should empower the Illawarra-Shoalhaven Urban Development Program to make West Dapto a priority for coordination and prioritisation of infrastructure roll-out.	UDIA	Council staff agree that West Dapto will be the major contributor to green field housing supply in the Wollongong LGA for a number of decades. Staff also support prioritising West Dapto for coordination and prioritisation of State infrastructure roll-out. It is important to note that roads are not considered to be the only essential infrastructure item for place making and new communities. Roads will enable housing. Enabling communities should also be considered the priority. Therefore, social infrastructure should be considered in this infrastructure prioritisation.

In alignment with the West Dapto Vision 2018, updates to the WD Contributions Plan and WLEP should be undertaken to reflect the changes outlined in this submission regarding (merging Neighbourhood Plans, and the current (LEP) minimum lot size of 450 sq/m for detached homes).	UDIA	Council staff have continually reviewed all EPIs relevant to West Dapto since adoption of the West Dapto Vision 2018. The WLEP 2009 has been amended to facilitate Urban zoning in stage 3 of West Dapto, for example, while the WDCP 2009 is regularly updated. In particular, Chapter D16 West Dapto Release Area and Chapter B2 Residential Subdivision have had complementary amendments to implement the intended outcomes set by the West Dapto Vision 2018. Council staff will continue to review the relevant EPIs.
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Acronyms and Initialisms used in this report

BBTC	Bong Bong Town Centre
CPI	Consumer Price Index
CUDP	Calderwood Urban Development Project
Draft 2024 Plan	Draft West Dapto Development Contributions Plan 2024
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
HP&C	Housing and Productivity Contribution
IPART	Independent Pricing and Regulatory Tribunal NSW
LGA	Local Government Area
PCA	Property Council of Australia
RDA	Regional Development Australia
SIC	Special Infrastructure Contribution
SINA	Social Infrastructure Needs Assessment
SINSW	School Infrastructure NSW
TAHE	Transport Asset Holding Entity
TfNSW	Transport for NSW
UDIA	Urban Development Institute of Australia
WDCP 2009	Wollongong Development Control Plan 2009
WDURA	West Dapto Urban Release Area
WLEP 2009	Wollongong Local Environmental Plan 2009
2020 Plan	West Dapto Development Contributions Plan 2020

Attachment 2 - Proposed 2024 Plan Amendment subject to IPART Review

Draft CP 2024 Clause / Reference	Council Staff proposed change to Plan following public exhibition
Table 1 Summary – Cost of infrastructure by category Table 2 Summary – Contribution rates by development type Table 3 Summary – Contribution rates by infrastructure category	<ul style="list-style-type: none"> Change will result from cumulative impact of amendments itemised below.
Table 4 Residential development assumptions – population Table 5 Residential development assumptions – dwellings	<ul style="list-style-type: none"> Change to development forecast to include overall increase in population and dwellings projected within Stage 5. Change to development forecasts in Table 4 and 5 to more accurately reflect observed roll out of development throughout WDURA.
Table 9 Open Space and Recreation	<ul style="list-style-type: none"> Change to the indicative timing for open space infrastructure items to reflect population based thresholds as an indication for when open space items will be delivered.
Table 10 Community Facilities	<ul style="list-style-type: none"> Amendment to change CF05 Yallah Marshall Mount Community Facility (CF05) from sub-district scale to local scale facility (including associated reduction in land area). Amendment to include reference to indicative size and scale of CF05 proposed gross floor area of 2,400sqm (consistent with Wollongong Social Infrastructure Planning Framework (2018 – 2028), land area of 3,090sqm (consistent with Council's Draft exhibited Centre Master Plan for Marshall Mount). Change to the indicative timing for community facility items to reflect population based thresholds as an indication of when community facility items will be delivered.
Figure 4 Map – Community Facilities	<ul style="list-style-type: none"> Update map legend to include reference to CF05 being local community facility.
Transport 4.3.4 Nexus and apportionment	<ul style="list-style-type: none"> Update items and apportionment to Calderwood (by section) to - <ul style="list-style-type: none"> TR 16 Yallah Road – Y1 and Y2 (13.5%), Y3, Y4, IN62 (35.7%), TR17 Marshall Mount Road – MM1 (76.8%), MM2 & MM3 (58.4%), MM4 – MM6 (36.3%), IN55 (28.4%), IN56 (80.9%), IN57 (77.1%). TR29 Marshall Mount Town Centre Bypass – IN61 35.7%, NR56 – NR58 (79.4%) TR25 Western Ring Road – Shone Avenue to Yallah Road – NR40 – NR44, IN53 and IN54 (14.5%).
Transport Table 11 Transport Summary of road items Table 12 Transport Road sections	<ul style="list-style-type: none"> New item added to the <i>TR37 – Rainbird Drive extension to Darkes Road</i>. Location (stage) 1-2, indicative timing 2028-2029, length 354m, 2 travel lanes 2 parking lanes, 21.9m width.

Figure 8 Map – transport (Sheet 4)	<ul style="list-style-type: none"> Update map to include new road length as contributions plan road.
Transport Table 11 Transport Summary of road items Table 13 Bridges and rail crossings Figure 8 Map – transport (Sheet 7 and 8)	<ul style="list-style-type: none"> New item added to schedule <i>TR38 - YMM Northern bypass (bridge)</i>. Location (stage) 5, indicative timing 2032– 2033, bridge length 28m, 2 travel lanes plus shared pathway (both sides). Update map to include bridge as contributions plan item connecting Duck Creek Marshall Vale and Woodville Neighbourhood Plan Areas.
4.6 Contribution Rates Table 18 Summary of contribution rates calculated in clauses 4.1 to 4.5 Table 19 Residential contribution rates by dwelling type Table 20 Residential contribution rates by dwelling type and infrastructure category	<ul style="list-style-type: none"> Change to contribution rates in response to changes itemised in this attachment.
Part 5 Schedules and Maps Schedule 1 Open space and recreation	<ul style="list-style-type: none"> Potential change to cost of land pending discussion with IPART to determine if updated costings can be integrated into final contribution plan.
Part 5 Schedules and Maps Schedule 2 Community Facilities	<ul style="list-style-type: none"> Reduction in the cost of land for CF05 resulting from change from sub-district to local scale facility. Change to underlying land zoning assumption for CF03 (Bong Bong Community Facility), CF05 (Yallah Marshall Mount Community Facility) and CF06 (Avondale Community Facility) to commercial zoning. This will change the cost of land.
Part 5 Schedules and Maps Schedule 3 Transport	<ul style="list-style-type: none"> New items TR37 and TR38 to be added to the schedule. Potential change to cost of works and land pending discussion with IPART to determine if updated designs and costing can be integrated into final contribution plan. Update apportionment of TR16, TR17 TR25 and TR29 to be consistent with changes itemised above.
Changes to the plan to correct minor typographical errors or inconsistent numbering.	

In addition to the above, IPART will be requested to consider the following -

*Council's preference for removal of the Western Ring Road Transport Infrastructure Items from the draft Development Contribution Plan subject to the State Government committing to fund these Items under a separate arrangement, and

*Council's preference to use actual and more detailed costing of Infrastructure Items and acquisition costs.



Department of Planning, Housing and Infrastructure

Our ref: IRF24/142

Mr Greg Doyle
General Manager
Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Attention: Ms Linda Davis, Director Planning and Environment

4 March 2024

Subject: Draft West Dapto Contributions Plan 2024

Dear Mr Doyle

I am writing in relation to the draft section 7.11 contributions plan 'West Dapto 2024' which Wollongong City Council recently exhibited, and issues raised by council staff as they respond to submissions made on the plan.

I note that industry stakeholders raise questions that extend beyond the perceived duplication of transport infrastructure items. I've set out some feedback on the issues raised by the council's planning director Linda Davis in an email on 20 February 2024.

1. Housing and productivity contribution

The department has robust and transparent governance arrangements around the allocation of infrastructure funding. Guidelines are prepared for our programs that outline key program details, eligibility criteria, mandatory and selection criteria, assessment processes and timeframes for the implementation.

For example, the State voluntary planning agreement program is overseen by a Housing Coordination Committee, comprising senior executives of NSW government agencies. For the new housing and productivity contribution, the department is working to stand up a comprehensive governance framework from mid-2024.

The Urban Development Program Committees which councils currently sit on, alongside other stakeholders, will have a key role to play in determining the priorities for investment through the preparation of an Infrastructure Opportunities Plan.

2. Removal of infrastructure from West Dapto 2024 contributions plan

The department recommends that the council doesn't pre-emptively remove infrastructure from their plan that it considers is needed to support new development, as this risks funding shortfalls and delays in the delivery of infrastructure.

The Independent Pricing and Regulatory Tribunal (IPART) will undertake an independent review of the plan to ensure that it reflects the reasonable costs of providing necessary local



Department of Planning, Housing and Infrastructure

infrastructure to support development. Once IPART completes its review, it will be considered by the department. The Ministers nominee in the department will then direct the council on any amendments required, including to remove items or reduce costs, prior to the plan commencing.

3. Funding for the Spine Road

The West Lake Illawarra Major Spine Road, identified in the former Illawarra Shoalhaven Special Infrastructure Contribution Determination 2021, remains a priority infrastructure item for the region.

As it was in the former scheme, it will be included in the new infrastructure opportunities plan currently being prepared and will be considered for funding through the processes being established for the Housing and Productivity Contribution.

4. Next steps

Council should consider the issues raised in submissions on the draft plan and submit the amended plan to IPART for their review.

If you have any questions in relation to this matter, please contact [REDACTED], Director Local Infrastructure Funding Policy at the department on [REDACTED]

Yours sincerely,

[REDACTED]

Executive Director

Infrastructure Policy

Attachment 4 - Western Ring Road and Northcliffe Drive Extension Transport Infrastructure Items

Western Ring Road and Northcliffe Drive extension Transport Infrastructure items included in the current adopted 2020 West Dapto Development Contributions Plan (2020 Plan) and the draft exhibited West Dapto Development Contributions Plan 2024 (Draft 2024 Plan)

CP 2020 and draft 2024 Infrastructure Item and Reference	Cost to West Dapto Development Contributions Plan	
	2020 Plan	Draft 2024 Plan
TR16 Yallah Rd - (Y1-Y4)	\$ 21,934,497	\$28,763,802
TR18 Northcliffe Dr Extension - Princes Hwy to Paynes (NR3-NR12)	\$ 70,097,250	\$194,905,186
TR19 Northcliffe Dr Extension - Sheaffes Rd to West Dapto Rd (NR13-NR19)	\$ 12,916,567	\$40,098,248
TR25 West Ring Road - Shone Avenue to Yallah Road (NR28-NR44)	\$ 123,082,211	\$177,947,261
Sub Total	\$ 228,030,525	\$441,714,497
Other road components where there is part duplication with the Road Spine		
WD17	\$222,431	\$509,950
TR08 (Shone) IN19	\$22,737	\$322,917
TR01 (West Dapto Rd) IN10.	\$1,150,183	\$91,132
TR01 (West Dapto Rd) B23	\$244,265	\$428,731
TR08 (Shone) S1	\$2,989,184	\$291,661
TR08 (Shone) S2,	\$18,530	\$191,677
TR08 (Shone), IN24	\$500,206	\$599,770
TR16 Yallah - (Y1-Y4) (Calderwood)*	\$7,019,598	\$6,211,869
Sub Total	\$12,167,134	\$8,647,707
Total CP ITEMS	\$ 240,197,659	\$450,362,204

* cost apportioned to Calderwood traffic

ITEM 3

POST EXHIBITION - WILGA STREET BLOCK PLANNING STRATEGY, PLANNING PROPOSAL AND DCP AMENDMENT

On 3 April 2023, Council resolved to prepare a Planning Proposal for the Wilga Street Block, Corrimal, and exhibit the Planning Proposal, draft Development Control Plan amendments and the draft Planning Strategy. The Planning Proposal seeks to make a range of amendments to the existing planning controls to enable the revitalisation of the Wilga Street Block. The Planning Proposal was informed by the draft Planning Strategy and is supported by location specific controls proposed for inclusion within Chapter B4 of the Wollongong Development Control Plan 2009.

On 31 October 2023, the Department of Planning and Environment (now Department of Planning, Housing and Infrastructure) issued a Gateway Determination enabling exhibition of the Planning Proposal.

The draft Planning Strategy, Planning Proposal, draft DCP amendment and supporting documents were exhibited from 8 November to 19 December 2023. A total of 17 submissions were received. Six (6) submissions were received from public agencies or authorities, one (1) submission was identified from a landowner, one (1) submission was received from the Corrimal Community Action Group, and nine (9) submissions were received from community members.

The purpose of this report is to provide the outcome of the public exhibition and to seek Council's support to adopt the Planning Strategy and site-specific DCP controls and finalise the Planning Proposal for the Wilga Street Block, Corrimal. This report also explains the post exhibition changes made in response to community, public agency, and Council Officer feedback. It also provides clear justification for a place-based approach to planning within Corrimal, in the context of recent policy changes by the NSW Government in response to housing supply and affordability.

RECOMMENDATION

- 1 The Wilga Street Block Planning Strategy (Attachment 1), be adopted.
- 2 The Planning Proposal for the Wilga Street Block (Attachment 2) be forwarded to the NSW Department of Planning, Housing and Infrastructure for finalisation and preparation of an amendment to the Wollongong Local Environment Plan 2009.
- 3 The amendments (Attachment 3) to Wollongong Development Control Plan 2009 - Chapter B4: Development in Centres and Peripheral Sales Centres for the Wilga Street Corrimal block be adopted, and come into force when the Wollongong Local Environment Plan 2009 amendment is notified, and a commencement notice be published on Council's website.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Wilga Street Block Planning Strategy (March 2024)
- 2 Planning Proposal - Wilga Street Block, Corrimal
- 3 Amendment to Wollongong DCP 2009, Chapter B4: Development in Centres and Peripheral Sales Centres
- 4 Summary of Submissions

BACKGROUND

Proposal Site

Corrimal Town Centre is a Major Town Centre serving Wollongong's northern suburbs. Chapter B4 of the Wollongong Development Control Plan (DCP) 2009, indicated that a major town centre has the following function:

Providing for the major weekly shopping and convenience retail needs of the surrounding population (generally more than 1 suburb) as well as a large range of specialty retail shops and services. Large community facilities and public recreation provision. Restaurants, cafes and bars contribute to active streets and a vibrant evening economy.

The Wilga Street Block provides a northern anchor to the Corrimal Town Centre, and is bound by Wilga Street, Collins Street, Princes Highway and Memorial Park, Corrimal (Figure 1). The Block's western boundary addresses Corrimal's fine grain high street - the Princes Highway. To the south the block shares an important interface with Corrimal's Memorial Park, which includes Luke's Place Playground and sports field. To the east is Wilga Street, a wide cul-de-sac with a mixed residential, commercial and recreational street frontage which provides primary vehicle access to many uses within the Block. Collins Street to the north marks the transition point of the town centre to the surrounding low-density residential area.



Figure 1: Wilga Street Block, Corrimal

Within the Block there are a range of different land uses present including retail premises, business premises, a club, carpark and residential dwellings, including single detached dwellings and residential flat buildings. Existing buildings are one or two storeys high and are concentrated on the boundaries and address the street. Currently, activation to Memorial Park is limited to one entry/exit point from the mall, generally aligned with Luke's Place playground.

Draft Wilga Street Block Planning Strategy

To supplement the Corrimal Town Centre Study prepared in 2015, a draft Wilga Street Block Planning Strategy was prepared. The draft Planning Strategy recommends changes to planning controls, based on the Urban Design Study commissioned by Council. The intended outcomes as defined through the Planning Strategy, include –

- A place for all. A high-quality town centre supported by accessible, diverse and attractive offerings.
- A vibrant mixed-use precinct. A place-based approach that is sensitive to the needs and desires of the community it serves.

- A high-amenity precinct. Create a network of cool, comfortable and connected places where people can dwell.
- An improved pedestrian experience. Prioritise a walkable neighbourhood where the pedestrian experience is safe and comfortable.
- Consolidated access and servicing. Parking and servicing is functional, adequate and discreet.
- An improved development outcome. Encourage revitalisation of the town centre through redevelopment of this key block to provide greater public benefit.

The Planning Strategy provides the necessary policy setting to allow a review of the car park tenure arrangements and what role it may play in the revitalisation of the Wilga Street Block.

Description of the Planning Proposal

To implement the draft Planning Strategy, a Planning Proposal was prepared and endorsed by Council for exhibition. In summary, the Planning Proposal seeks to amend the Wollongong Local Environmental Plan (LEP) 2009 and proposes to -

- Amend the Land Use Zone Map to rezone the eastern portion of the Wilga Street Block from R2 Low Density Residential to E1 Local Centre.
- Amend the Additional Permitted Uses (APU) Map to extend the application of APU 33 consistent with the proposed E1 Local Centre zone. APU 33 permits with consent residential flat buildings and self-storage units.
- Amend the Minimum Lot Size Map to remove the application of a minimum subdivision lot size for the proposed E1 Local Centre land, consistent with the rest of the centre.
- Amend the Height of Building and Floor Space Ratio Maps, to facilitate a 15m height of building and 1.5:1 FSR within the Wilga Street Block, consistent with the rest of the town centre.
- Amend the wording in Clause 7.19 Active Street Frontages to remove the term 'Street' from the title and include reference to public open space in the clause.
- Amend the Active Frontage Maps to identify the locations where active frontages should be located as part of any future development.
- Introduce a new local provision under *Part 7 Local Provisions – General* and associated mapping to facilitate alternative building height and floor space ratio provisions in certain circumstance for certain land ('Special Area').
 - Alternative building height to be 21m.
 - Alternative floor space ratio to be 2:1.
 - Affordable housing and lot consolidation required.
- Introduce a new provision under *Part 7 Local Provisions – General* to levy contributions for affordable housing on defined sites.
- Introduce a new local provision under *Part 7 Local Provision – General* to protect solar access to parts of Memorial Park including the sports grounds and courts and Luke's Place Playground.
 - Amend the Overshadowing Map to identify Luke's Place Playground, Memorial Main Ground, Memorial Outside Ground, Wilga Street Tennis Courts.
- Amend the Key Sites Map in identify the Wilga Street Block.
- Amend the wording of *Clause 7.18 Design Excellence in Wollongong city centre and at key sites* to include additional considerations and reference the Overshadowing Map.
- Amend *clause 4.6 Exceptions to development standards* to include reference to the proposed overshadowing clause.

Description of the draft Development Control Plan amendment

In summary, the draft amendment to the Chapter B4 of the Wollongong DCP 2009 seeks to facilitate the outcomes outlined in the Planning Strategy, and support the changes sought via the Planning Proposal. The amendments seek to -

- Define the desired future character for the Wilga Street Block, street interfaces and Memorial Park interface.
- Define key public views towards the Illawarra Escarpment, including framed views of Brokers Nose.
- Define pedestrian links from the Princes Highway to Wilga Street and to Memorial Park.
- Define access, circulation and parking for vehicles.
- Define preferred lot consolidation options.
- Define building street wall heights and building setbacks.
- Provide detailed active frontage design controls and controls for residential frontages at ground.

Council report

On 3 April 2023, Council considered a report on the draft Wilga Street Planning Strategy, Planning Proposal and draft DCP amendments.

Council resolved that -

- 1 *The draft Wilga Street Block Planning Strategy be endorsed for exhibition.*
- 2 *The draft Wollongong Development Control Plan 2009 – Chapter B4 Development in Business Zones: Corrimal Major Town Centre – Precinct 1: Wilga Street be endorsed for exhibition.*
- 3 *A draft Planning Proposal be prepared for the Wilga Street Block to amend the Wollongong Local Environmental Plan 2009 Maps and controls as indicated in this report.*
- 4 *The draft Planning Proposal be forwarded to the NSW Department of Planning and Environment for a Gateway Determination to enable exhibition.*
- 5 *Following the receipt of the Gateway Determination, the draft Planning Proposal, draft Wollongong Development Control Plan 2009 – Chapter B4 Development in Business Zones: Corrimal Major Town Centre – Precinct 1: Wilga Street and the draft Wilga Street Block Planning Strategy be exhibited for a minimum period of 28 days.*
- 6 *Following the combined exhibition of the forementioned documents, the issues raised in submissions be reported to Council.*
- 7 *The NSW Department of Planning and Environment be advised that as Council is a landowner, Council is not seeking delegation to progress the finalisation of the Planning Proposal after exhibition and the consideration of submissions.*

On 31 October 2023, the (then) Department of Planning and Environment issued a Gateway Determination to enable the exhibition of the Planning Proposal. The suite of documents was exhibited from 8 November to 19 December 2023.

NSW Department of Planning, Housing and Infrastructure – Housing reforms

The Minister for Planning and Public Spaces (Minister), and the NSW Department of Planning, Housing and Infrastructure (DPHI) have made a number of announcements and proposed policy changes to increase housing supply and address housing affordability issues. A report on these changes was considered by Council on 5 February 2024.

Corrimal Train Station is identified by DPHI as one of 31 stations in Tier 2 of the Transport Oriented Development (TOD) program. The proposed changes under the TOD Program relate to land within 400m distance of an identified train station. The Wilga Street Block falls outside of this catchment, in both a radius and walking distance scenario.

On 14 December 2023, State Environmental Planning Policy (Housing) 2021 (Housing SEPP) was amended to enable up to 30% height and / or FSR bonuses for developments including 10% to 15% affordable housing.

The recently released Low- and Mid-Rise Housing Explanation of Intended Effects (LMR EIE) seeks to, amongst other matters, create non-refusal standards of 21m height of building and 3:1 floor space ratio for Residential Flat Buildings and Shop Top Housing in station and town centre precincts, such as Corrimal Town Centre. The proposed increase would apply to the whole block and town centre, and is in-excess of the bonus provisions proposed by Council and would not provide any affordable housing (noting that an unspecified monetary contribution may be required). The proposed 21m height limit and 3:1 FSR could be exceed further if coupled with the Housing SEPP affordable housing bonus provisions referred to above. The non-refusal standards do not eliminate consideration of other LEP controls, such as heritage or solar access provisions.

The changes included in Council's Planning Proposal for the Wilga Street block are a result of detailed place-based planning, site specific studies and community feedback, and as such propose a more nuanced approach to that of the NSW Government reforms.

PROPOSAL

As a consequence of the exhibition, 17 submissions were received, 11 from the community and 6 from public agencies.

Consultation with the Community

Eleven (11) submissions from the public were received, comprising nine (9) from community members, one (1) landowner and one (1) community group (Corrimal Community Action Group). A detailed assessment of the of the submissions is provided in Attachment 4.

There were a mix of views presented including -

- Mixed response to additional height within the block.
- Support for revitalisation and activation of the block.
- The need for affordable housing.
- Parking and traffic concerns.
- Support for protection of solar access to the Luke's Place Playground.
- Mixed response to solar access protections for the sporting fields, particularly the Memorial Park Outside field.

A range of other matters were raised by the community, that whilst important, are outside the scope of this planning process. These included the need for skateboarding infrastructure, the desire to maintain existing tenancies and a desire for certain development typologies or land uses such as entertainment, cultural, and accommodation services. Where appropriate, feedback received that cannot be actioned via the current planning processes has been forwarded onto the relevant Division within Council for consideration.

Submissions from landowner

Letters were sent to all landowners within the precinct which advised of the exhibition. Landowners have been consulted throughout the review process. Only one submission was received that was identified as being on behalf of a landowner, the owner of Corrimal Park Mall (located on the northern side of Memorial Park). The submission objected to the Planning Proposal and indicated -

- The Planning Proposal introduces complexities that will inhibit the feasible redevelopment of the site;
- Active frontage and overshadowing provisions for Luke's Play Playground are supported;
- Active frontage and overshadowing provisions to the Memorial Park Outside Ground are too onerous;

- The setback and laneway controls only impact the Corrimal Park Mall site and reduce flexibility for development;
- The Planning Proposal does not deliver sufficient yield. A 21m height limit and 3:1 FSR should be applied as a minimum, in alignment with the NSW Government reforms;
- Recommended a height of 30m and 3:1 FSR, and supported a bonus provision to allow additional development beyond these standards;
- Expressed the need to allow feasible redevelopment on the site on its own (without site consolidation) and flexibility to ensure an appropriate floor plate can be delivered to support the key anchor tenant to provide a full line supermarket; and
- Proposed DCP controls are too onerous to facilitate redevelopment.

The issues raised are addressed in the relevant sections of the report, with a full summary provided in Attachment 4.

Submission from Community Group

Corrimal Community Action Group submission raised a number of matters, including -

- The importance of free and accessible parking, and the role the current carpark plays within Corrimal.
- Queried the future plans for RSL site, noting entertainment and accommodation facilities are lacking in the area.
- Noted 15m height limit is in keeping with the rest of the town centre but noted raising the height could create a challenge in maintaining views and not overshadow Memorial Park.
- Expressed that views to the Escarpment are important to the residents of Corrimal.

The key matters raised are addressed in the relevant sections of the report, with a full summary provided in Attachment 4.

Submissions from Public Agencies or Authorities

Six (6) submissions were received from public agencies -

- Department of Planning and Environment - Biodiversity Conservation Division (now within Department of Climate Change, Energy, the Environment and Water).
- Endeavour Energy.
- Illawarra Shoalhaven Local Health District.
- NSW State Emergency Services.
- Sydney Water Corporation.
- Transport for NSW.

No public agencies or authorities objected to the draft Planning Strategy, Planning Proposal or draft DCP amendments.

A complete summary of agency feedback is provided in Attachment 4.

Wilga Street Block Planning Strategy

Four (4) submissions commented specifically on the draft Planning Strategy including two (2) community members, one (1) landowner and the Illawarra Shoalhaven Local Health District. The two community members commented generally on the overall package, one was in support of Strategy noting overshadowing protections as a key positive, the other was opposed to the Strategy citing traffic and character concerns. The landowner encouraged Council to report and endorse an amended Strategy noting overall opposition to the exhibited form of the Planning Proposal and DCP amendment. Commentary on the landowner submission has been provided earlier in this report. The Illawarra Shoalhaven Local Health District supported the overall intent of the Strategy, particularly for matters

related to providing access to range of service and facilities, creating a walkable neighbourhood and efficiencies in planning. A full summary of all submissions is provided in Attachment 4.

Only minor changes to the Wilga Street Block Planning Strategy are recommended in response to feedback received during exhibition. This includes minor updates to wording to clarify intent of Active Frontages as well as editorial updates to reflect changes to zone names and DCP chapter titles that occurred since the Strategy was last reported to Council in March 2023. A copy of the Planning Strategy recommended for adoption has been included in Attachment 1.

Key Matters for consideration – Planning Proposal

Council received 15 submissions commenting on the Planning Proposal. The key issues raised are discussed below. A full summary of submissions is provided in Attachment 4.

Several key issues emerged through the public exhibition process and as a result of policy changes led by the NSW Government.

Amendments are proposed to the Planning Proposal placed on public exhibition. The final Planning Proposal which incorporates the following amendments, is included in Attachment 2.

- Part 2: Explanation of Provisions
 - Updates to cl 7.19 to clarify the range of building façade elements that contribute to an active frontage. Additional instruction to clarify application and interaction between cl 7.13 and cl 7.19 of the Wollongong LEP (further detail provided later in this report).
 - Additional inclusion to allow large sites of 5,000m² or greater to access the alternative height and FSR provisions without the need for lot consolidation subject to the provision of affordable housing.
 - Consistent reference to “lot consolidation” and update to lot consolidation graphic to reflect changes to the proposed location specific DCP controls.
 - Removed reference to 9am and 3pm within the overshadowing provision for Memorial Main Ground and Memorial Outside Ground, noting requirements for four (4) hours of sunlight to the full extent of those areas on 21 June remains. Additional justification included for solar access requirements.
- Part 3: Justification of objectives, outcomes and provisions and processes for their implementation
 - General updates to reflect post-exhibition status of planning proposal.
 - Update to Q13 to reflect consultation undertaken with State Authorities
- Part 5: Community Consultation updated with summary of public exhibition.
- Part 6: Project timeline updated to reflect work to date and new timeframes.
- Appendix 2: Compliance with SEPPs and Ministerial Directions updated to include new ministerial direction 1.4A Exclusion of Development Standards from Variation which commenced 1 November 2023.

No changes have been made the accompanying LEP maps post-exhibition.

Key issues in relation to aspects of the Planning Proposal have been outlined in detail below -

a Solar Access Requirement to Luke’s Place Playground and Memorial Park

Solar access requirements for Luke’s Place Playground were generally supported by the community and landowner. The proposed controls seek to protect Luke’s Place Playground (identified via the overshadowing map) from overshadowing between 10:00 am and 2:00 pm on 21 June (winter solstice).

The requirements to maintain 4 hours of solar access to the Memorial Park Outside Ground was contested by the adjoining landowner and operator of Corrimal Mall (Quality Green Group). The exhibited controls required four (4) hours of sunlight across the full extent of the identified area between 9:00 am and 3:00 pm on 21 June (Winter solstice). The submission on behalf of Quality Green Group acknowledged the intent of the controls was reasonable, however they raised concern

that the overshadowing requirements are overly restrictive and would hinder feasible redevelopment of the Corrimal Park Mall site.

Response: It is important to retain and strengthen the Sun Protection control framework in the Wollongong LEP 2009 to ensure continued enjoyment of important parks and public places in Wollongong LGA. Further, with increased development and population, the demand on open space will increase and it is important to maintain the quality of existing open space, such as Memorial Park.

There is currently no LEP control protecting Memorial Park, Corrimal from overshadowing. Whilst the height of buildings controls to the east, north and west of the park remain low, they act as quasi solar protection controls, albeit not to the extent required to protect locations in close proximity to the boundaries of the Park. The existing lack of protections, and the proposed increase to height controls requires a clear and robust set of sun protection controls for Memorial Park.

Overshadowing controls for the two grassed playing fields (Main and Outside Grounds) have been proposed to retain 4 hours of sunlight to 100% of the fields during mid-winter. This amount of solar access is desirable to allow sufficient solar radiation to support the growth of the turfed playing surfaces. Council's Recreation Planning and Maintenance staff support this requirement as a minimum. External documentation (best practice reviews etc from other Councils) also supports this approach. Maintaining solar access to the outside field enables the turfed playing surface to be maintained, as well as provides future flexibility for the use of the space, including higher usage rates as a field or another open space activity.

Given its orientation to adjoining open space and recreational facilities to the east and north-east, it is likely that the Memorial Outside Ground will receive reasonable solar penetration in the early morning. It is recommended that the time period (i.e. between 9:00 am and 3:00 pm) stipulated in the planning control be removed. The revised solar access provision will require any development of the adjoining Mall to demonstrate that the Memorial Outside Ground will receive 4 hours of sunlight on 21 June (Winter solstice). This will provide more flexibility for development options.

b Active Frontage Locations

Active frontages have been identified along the Princes Highway, the interface with Memorial Park (southern boundary of the Wilga Street Block), part of Wilga Street, and part of Collins Street. The key focus of comments was the interface between the Wilga Street Block and Memorial Park to the south. Two submissions from the community noted that development "opening up" to Memorial Park is preferred over the inward style mall currently there, and one submission stated it provides the opportunity to create a meeting place for the community. The submission on behalf of Quality Green Group supported active frontages to Luke's Place Playground but opposed a traditional style of fine grain shop fronts for Wilga Street and the interface with playing fields.

Response: No changes have been made to the proposed active frontage map. It is proposed that the draft LEP provisions (Clause 7.19) placed on exhibition be amended to recognise the various building façade elements that contribute to an active frontage and that traditional shop fronts are not required in all circumstances. The amended provision also clarifies that the requirement for active frontages is not required for parts of the building used for vehicle access and loading docks.

Additional guidance has been included in the draft DCP amendment to clarify the requirements for visual connection to internal activation areas, and setback requirements have been reviewed. Changes to the DCP are outlined later in this report.

Council is undertaking a broader transition from LEP clause 7.13 *Certain land within business zones* to 7.19 *Active frontages*, an action of the Wollongong Retail and Business Centres Strategy. Further, clarification has been included in the Planning Proposal document to ensure the interaction between clause 7.13 and clause 7.19 are as intended. If the Planning Proposal is finalised, it is intended that clause 7.13 will not apply to land within the Wilga Street Block (as active frontages have been applied via clause 7.19) but will continue to apply to the relevant land within Corrimal Town

Centre. The mechanism and final wording will be subject to drafting by the Parliamentary Counsel's Office (PCO).

c Height of Building and Floor Space Ratio

The Planning Proposal seeks to introduce a 15m height of building limit and 1.5:1 FSR across the entire block. It also seeks to introduce an alternative height of building of 21m and FSR of 2:1 within a Special Area of the block. In order to access this alternative height, lot consolidation to generate optimum development parcels, and an affordable housing outcome must be delivered via an adopted Contribution Plan or Planning Agreement.

Community feedback to heights and FSR was mixed, some were opposed, some were in support, and some thought the controls did not go far enough (i.e. higher heights and more FSR should be proposed). Two community members suggested higher densities could be achieved, one noting that the centre of the site could facilitate taller buildings, the other noting increase housing density increase amenity. One of the submissions in support of taller buildings also noted that a two-storey transition on Collins Street is appropriate for the context. Another community member expressed that 8 storey buildings are not sustainable for the site. The submission from the Quality Green Group expressed the heights and FSR were too restrictive and recommended a 30m height of building and 3:1 FSR, citing recent State Government reforms (Housing SEPP, proposed TOD SEPP and LMR EIE). The requirement for site consolidation to permit access to the bonus provisions in the Planning Proposal was also questioned particularly in relation to existing large sites.

Response: The proposed height and FSR seeks to bring the Wilga Street Block into alignment with the broader Corrimal Town Centre. The proposed height and FSR is also consistent with Corrimal's place in the centres hierarchy, alongside other Major Town Centres like Fairy Meadow and Figtree.

Alternative controls, triggered by lot consolidation and affordable housing, of up to 21m and 2:1 FSR are proposed for areas within the block where this density and massing can be developed whilst retaining a transition to the nearby low density residential, keeping a human scale to the high street, maintaining views along streets and without overshadowing parts of Memorial Park.

It is noted that the Low and Mid-Rise EIE provisions propose 21m height and 3:1 FSR for Station and Town Centre precincts with no lot consolidation or affordable housing required, which may offer an alternative development pathway for the Wilga Street Block than what has been proposed by this Planning Proposal. The suggestion in the EIE that Councils amend their LEP to reflect the State planning policy is not appropriate at this stage given the uncertainty relating to the final provisions to be introduced. In this case DPHI have the delegations to finalise the Planning Proposal which will ensure any shift in State planning policy including potential changes to controls are considered as part of their deliberations. This approach has been discussed with representatives from DPHI.

The rationale for proceeding with the bonus provisions as exhibited is twofold, in that it creates a place-based planning framework outcome on detailed analysis and testing (rather than blanket controls), and it provides an option for additional height and FSR should the LMR EIE not proceed or proceed in a different form. It is recognised that larger sites with an area of 5,000m² or greater has sufficient floor plate to incorporate the bonus height and FSR subject to meeting design and solar access requirements.

The final form of this provision is subject to drafting by PCO.

d Parking and traffic

Concerns were raised by some of the community, including the Corrimal Community Action Group, regarding the availability of parking in Corrimal Town Centre and the additional traffic potentially generated by future redevelopment of the site.

Submissions also noted that the Wilga Street Block is well located to support people using alternative modes of transport other than private vehicles. TfNSW and the Illawarra Shoalhaven Local Health District – Healthy Built Environments Division supported initiatives to reduce car dependency and increase uptake of active and public transport options.

Response: Parking requirements set out in Wollongong DCP will continue to apply where appropriate, including accessible parking spots. Any future development will need to demonstrate the appropriate parking provision rates in accordance with the planning framework at time of lodgement and will be subject the development assessment process. Further, the Wilga Street Planning Strategy includes a recommendation that any redevelopment involving Council owned land, under the current or any future tenure arrangements, retain the existing quantum of spaces as publicly accessible car parking. A site-specific control has been added to the amended DCP to require this.

Key Matters for Consideration – DCP Amendment

Three submissions commented on the draft DCP amendment. In response to submissions and a review of the controls, the draft amendments to Chapter B4 of the DCP have been revised to ensure they remain relevant and support the Planning Proposal. A copy of the revised DCP amendment is provided in Attachment 3.

Key changes –

DCP Reference		Change
7.1.1 Precinct 1 – Wilga Street Block	Generally	Figure 1 – <i>Wilga Street Block</i> was updated to align graphic style with other location specific controls in Chapter B4 of the DCP
		Wilga Street Block Concept Diagrams and ‘concept objective moves’ were deleted. The conceptual bases for controls can be found in the Wilga Street Planning Strategy which is noted as an informing document
7.1.1.2 Structure and access	Generally	Figure 2 – <i>Structure, Access and Views</i> was updated to align graphic style with other location specific controls in the DCP – Chapter B4.
		Written controls which repeat controls represented graphically have been removed.
		Term ‘lot consolidation’ used consistently, replacing ‘amalgamation’ where relevant.
	ii Lane and through site links	Additional control relating to wayfinding added in response to Traffic Impact Assessment recommendations
		Minor updates to wording for clarity
	iv Lot Consolidation	Control relating to overshadowing relocated into Objectives
		Wording relating to vehicle access and loading areas rephrased for clarity
7.1.1.3 Built Form	Generally	One lot consolidation option has been removed from Figure 3 – <i>Lot consolidation options</i> due to it being a duplicate of option C. LEP “Special Area” boundary for alternate height and FSR controls included in graphic to show clear relationship
		Additional control added to require the retention of the existing quantum of public carparking currently provided by the Wilga Street Carpark as recommended by the Planning Strategy
		Figure 4 was updated to align graphic style with other location specific controls in the DCP – Chapter B4
		Linework added to Figure 2 to show area for consolidated vehicle and loading access from Wilga Street
		Written controls which repeat controls represented graphically have been removed

DCP Reference		Change
	<i>As relates to Memorial Park Frontage</i>	Ground floor public domain setback of 5m removed along Memorial Park frontage. Replaced with 'as required to comply with Wollongong LEP 2009 overshadowing control'. This allows a more flexible range of development outcomes whilst still protecting the playground and fields from overshadowing
		Continuous awning requirement reduced to western half of memorial park frontage in recognition of this area being the 'primary' active frontage along this facade
	<i>As relates to Wilga Street Frontage</i>	Ground floor public domain setback has been amended from 5m to 3m along Wilga Street. The upper storey (above the street frontage height) requirement for a 2m setback has been replaced along the southern end of Wilga Street with a 'as required to comply with Wollongong LEP 2009 overshadowing control'. This allows a more flexible range of development outcomes (including loading etc) whilst still protecting the sporting field and tennis courts from overshadowing
	<i>i Front Building Line Setbacks</i>	'Ground floor setback' changes to Front Building Line Setback' to be consistent with the remainder of the DCP – Chapter B4
		Additional wording and clauses added to Objectives relating to pedestrian movement and activity, and building alignment
		Additional wording added to clarify street wall setback requirements
		Additional clause added to require any area with a setback to Memorial Park to be designed in consultation with Council
	<i>ii Street frontage heights and upper storey setbacks</i>	Minor wording updates for clarification and definition for 'Street frontage height' included.
	<i>iv Awnings</i>	Minor addition to objectives to clarify the role of awnings facing public open space
	<i>v Active Frontages</i>	Duplication across objectives removed
		Control relating to the desired future character of the Block moved to Objectives
		Detailed controls relating to active frontages facing Memorial Park added to supplement existing controls in 10.2.4 which relate to street frontages. These controls clarify that the focus of physical access to this frontage should be at the western half of the frontage. A minimum of visual access is required at the eastern half
10.2.16 Residential Frontages at ground		Control requiring ground floor residential apartments to be two storey split level removed to allow flexibility for development
		Specific floor level requirements removed to allow for design process to determine appropriate outcome

Minor edits to the DCP were also made to improve clarity, remove duplication, and to ensure correct numbering, referencing and the like. The style of the figures was simplified to support interpretation and style changed to be more consistent with the existing DCP Chapter. Overall, the post exhibition changes respond to feedback provided and remain in line with the applicable strategic framework.

CONSULTATION AND COMMUNICATION

The Wilga Street Block package was exhibited from 8 November to 19 December 2023. The following documents were part of the exhibition -

- Draft Wilga Street Planning Strategy (2023).
- Wilga Street Block Planning Proposal and Appendices.
- Draft Wilga Street Block DCP Amendment.
- Wilga Street Block Flood Risk and Impact Assessment (Advisian, 2023).
- Wilga Street Block Traffic Impact Assessment (Bitzios, 2023).
- Council Report and Minutes (Item 2, April 2023).
- Gateway Determination and Report (DPE, 2023).

The exhibition was communicated to the community via -

Letters	A letter was sent to approximately 1,300 landowners and residents within a 500m radius of the Wilga Street Block
Email to key stakeholders	An email notification was sent to key stakeholder identified through earlier engagement processes
Physical copies	Physical copies of the exhibition material were made available during the exhibition period at the following locations - <ul style="list-style-type: none"> - Council's Customer Service Centre - Wollongong Library - Corrimal Library
Our Wollongong Website	The project webpage was the primary exhibition location and hosted - <ul style="list-style-type: none"> - Exhibition documentation - Frequently Asked Questions - Online feedback form In summary - <ul style="list-style-type: none"> - 894 people were aware (visited at least one page) - 224 people were informed (downloaded documents, visited FAQs, visited multiple project pages) - 8 people were engaged (had a say via the survey tool)
Public Notice – Illawarra Mercury	An advertisement was published in the Illawarra Mercury on 8 November 2023 notifying of the exhibition and directing readers to Council's website for more information

Consultation with public agencies or authorities was undertaken as per the Gateway Determination. Responses were received from the following public agencies or authorities -

- Biodiversity Conservation Division (previously within Department of Planning & Environment, now within Department of Climate Change, Energy, the Environment and Water).
- Endeavour Energy
- Illawarra Shoalhaven Local Health District
- NSW State Emergency Services
- Sydney Water Corporation
- Transport for NSW

Feedback was also requested from the following stakeholders / agencies, but no response was received-

- Illawarra Local Aboriginal Land Council
- Sydney Trains (within Transport for NSW)
- Department of Education - Schools Infrastructure NSW
- Fire & Rescue NSW

No public agencies or authorities objected to the draft Planning Strategy, Planning Proposal or draft DCP amendments. A complete summary of agency feedback is provided in Attachment 4.

Where appropriate, feedback received that cannot be actioned via planning processes has been forwarded onto the relevant Divisions within Council for consideration.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1 “We value and protect the 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

SUSTAINABILITY IMPLICATIONS

The Planning Proposal seeks to enable efficient and sustainable use of land in line with Councils strategic planning framework. The Wilga Street Block is located within the Corrimal Town Centre and will enable additional housing to be delivered in a location where people can walk, cycle and use public transport to access places and services to meet their day-to-day needs.

RISK MANAGEMENT

Council is a landowner within the Wilga Street Block. To mitigate against reputational risk and a perception of bias, probity arrangements have been put in place to separate the planning and property functions of Council.

Council officers ensured open and transparent communication with the community and all landowners through the exhibition period.

Further, NSW Department of Planning, Housing & Infrastructure will be the Local Plan Making Authority if the planning proposal proceeds, exercising the statutory functions to finalise the Planning Proposal, rather than Council using its delegation. This is outlined in the Gateway Determination.

FINANCIAL IMPLICATIONS

This project puts forward changes to planning controls that provide uplift and therefore potential development gain to properties within the Wilga Street Block. This project has not undertaken detailed testing of financial benefits or any implications of what is viable to be realised with the disposal of, or development of Council's asset. Any financial implications to Council as a landowner will require separate investigations led by Council's Property Division and future decisions will be bought before Council.

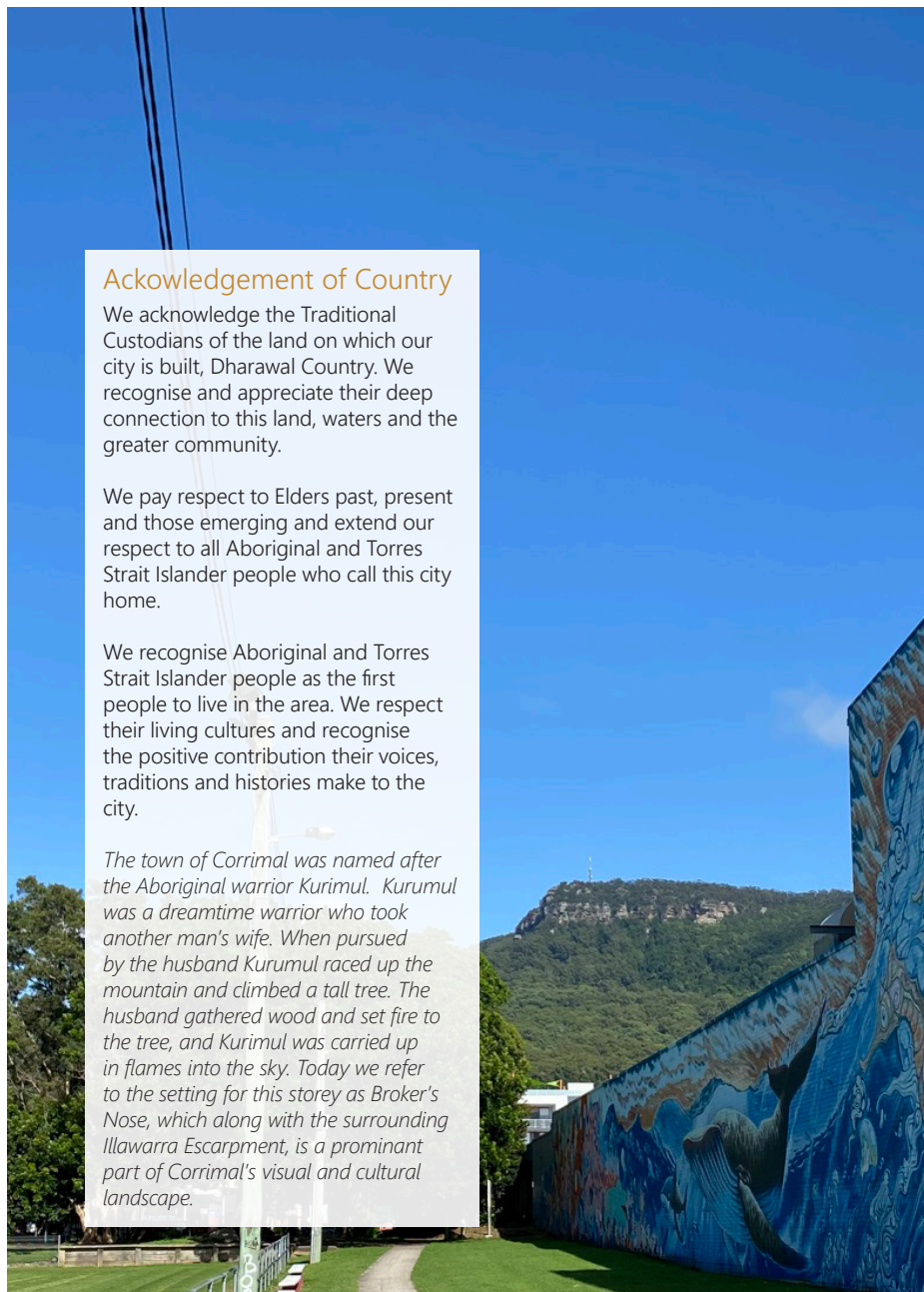
This project does not incur any financial changes to Council operations.

CONCLUSION

This report presents the results of the public exhibition of the draft Wilga Street Planning Strategy, Planning Proposal and draft DCP – Chapter B4 and outlines all proposed amendments to these documents in response to the submissions received. The report seeks Council's support to adopt the Planning Strategy and site-specific DCP controls and finalise the Planning Proposal for the Wilga Street Block, Corrimal.

Wilga Street Block, Corrimal *Planning Strategy*

March 2024



Acknowledgement of Country

We acknowledge the Traditional Custodians of the land on which our city is built, Dharawal Country. We recognise and appreciate their deep connection to this land, waters and the greater community.

We pay respect to Elders past, present and those emerging and extend our respect to all Aboriginal and Torres Strait Islander people who call this city home.

We recognise Aboriginal and Torres Strait Islander 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 the city.

The town of Corrimal was named after the Aboriginal warrior Kurumul. Kurumul was a dreamtime warrior who took another man's wife. When pursued by the husband Kurumul raced up the mountain and climbed a tall tree. The husband gathered wood and set fire to the tree, and Kurumul was carried up in flames into the sky. Today we refer to the setting for this storey as Broker's Nose, which along with the surrounding Illawarra Escarpment, is a prominent part of Corrimal's visual and cultural landscape.

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This Strategy has been prepared by Wollongong City Council, informed by technical studies:

- Urban Design Study, prepared by SJB
- Feasibility Analysis prepared by SGS Economics and Planning



1 Introduction

Background

Corrimal Town Centre is the Major Town Centre servicing Wollongong's Northern Suburbs. Major Town Centres are integral places for our community, providing a wide range of goods, services, community infrastructure, employment opportunities and medium density housing.

In 2015 Wollongong City Council adopted the Corrimal Town Centre Plan 2015-2025 (the Plan). The Plan sets a long-term aspiration for a liveable and vibrant Town Centre. The Plan provides the strategic foundation for the Wilga Street Block Planning Strategy (the Strategy).

The Plan identifies the Wilga Street Block (the Block) as a key site that may have future redevelopment potential if current constraints were adjusted. It recommends further studies to investigate how a high quality built form outcome could be delivered if development capacity was increased above the current controls.

To deliver on this recommendation Council has undertaken a strategic planning and design review of the Block. The review involved a number of technical studies which sought to answer the following questions:

1. What is the best structure, built form and land use outcome for the Block?

2. What planning controls need to be amended to support this?
3. What options are available for Council's land holdings to help facilitate this?

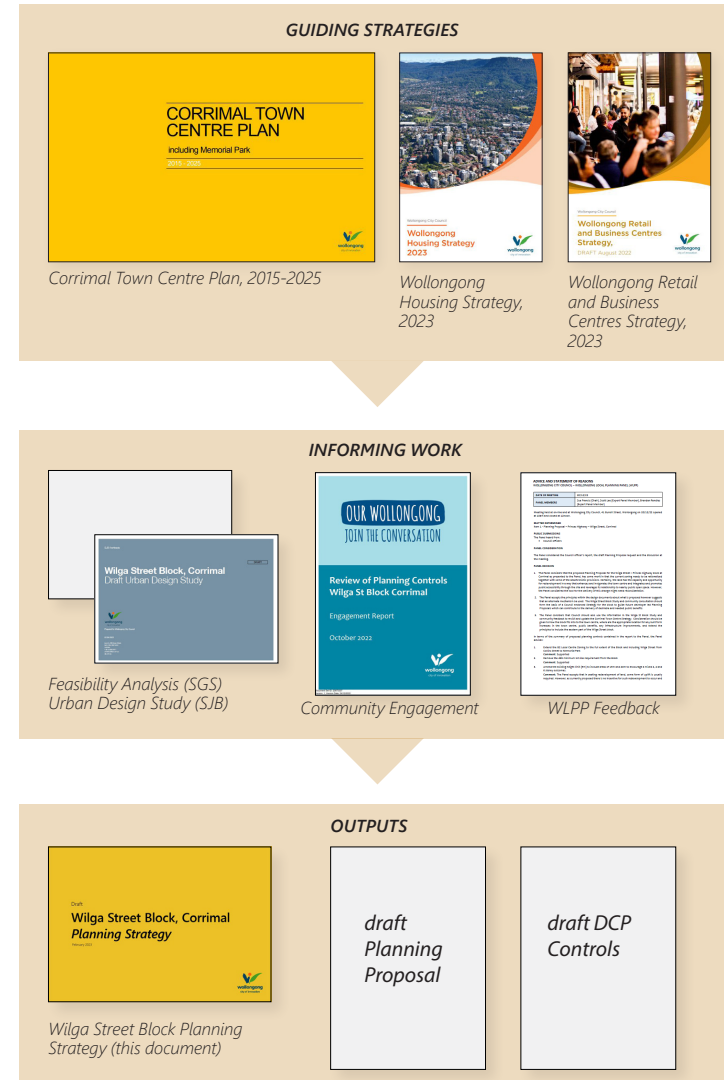
The Urban Design (SJB) and Feasibility (SGS) studies have informed how planning policy can better guide development on the Wilga Street Block and align it with the aspirations set out in the Plan.

Purpose of the Strategy

The revitalisation of the Block is an opportunity to deliver a mixed-use precinct in line with the community's future needs.

This Planning Strategy provides the strategic direction for the Block, enabling a line of site between the Corrimal Town Centre Plan and recommendations for changes to the Wollongong LEP 2009 and Wollongong DCP 2009: Chapter B4 Development in Centres and Peripheral Sales Precincts.

The recommendations for changes to planning controls are guided by existing strategic policy, and developed through context analysis, design principles and built form testing. Recommendations have been informed and refined through community consultation, peer review and advice from the Wollongong Local Planning Panel.

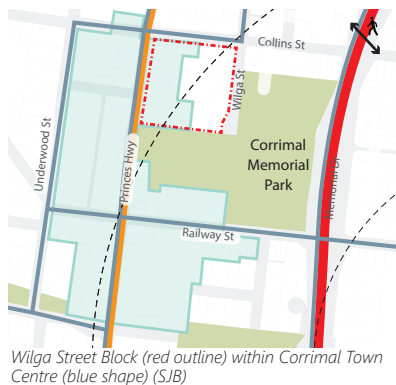


2 Study Area

Wilga Street Block

The Wilga Street Block provides a northern anchor to the Corrimal Town Centre. Its 4 boundaries interface with a range of different urban conditions.

The Block's western boundary addresses Corrimal's fine grain high street - the Princes Highway. To the south the block shares an important interface with Corrimal Memorial Park, a key place for users of all ages for gathering, playground and recreation uses. To the east is Wilga Street, a wide cul-de-sac with a mixed residential, commercial and recreational street frontage which provides primary vehicle access to many uses within the Block. Collins Street to the north marks the transition point of the town centre to the surrounding low-density residential area.



Land ownership and lot configuration

Land ownership of 75% of the Block currently sits with three major land holders:

1. Corrimal RSL and Memorial Club
2. Wollongong City Council
3. Corrimal Park Mall

There are a range of different land uses present including retail premises, business premises, a club, an at grade carpark and residential dwellings and flat buildings. Buildings are concentrated on the boundaries and address the street. Adhoc amalgamations and subdivisions over the time have resulted in cadastral lot boundaries that are haphazardly aligned, unusually shaped and fragmented. In some cases this land ownership pattern and fragmented lot configuration has created unusual shaped lots that are highly constrained and presents challenges for future redevelopment and site consolidations.

Council owned Land

Wollongong City Council is one of the major landowners, with a land holding in the centre of the Block (2). Lot 5 DP 37769 known as 101 Wilga Street, Corrimal is a 3,781m² allotment which is classified as Operational Land. The land functions as a commercial asset having been leased to

an adjoining land owner since the 1980s. The land is utilised as an off street carpark providing approximately 80 spaces, used by visitors to the Block, Town Centre and Memorial Park. This lot provides rear vehicle access to the properties fronting the Princes Highway.

Through this project, Council sought to develop a clear understanding of the strategic benefits and merits of changes to this land holding to inform future investigations by Council.

The analysis found that the sites current format has limited redevelopment potential due to the narrow lot street frontage and competing access arrangements. The lot location, and layout also limits the potential for adjacent landowners to redevelop and for revitalisation to occur. Amalgamation with neighbouring lots could enable a clear street address and facilitate future redevelopment by diversifying the offer of the block whilst delivering clear public benefit.

This Strategy and Study does not commit Council to relinquishing it's asset within the Wilga Street Block. Rather outlines the opportunities for this land to contribute to an improved outcome through inclusion of additional uses and alternative lot configuration and highlights the implications of retaining the asset as is.



Wilga Street Block land ownership (SJB)

Key

- Site boundary
- Strata ownership

Current Planning Framework

The *Urban Design Study* interrogates the existing planning framework, testing different development outcomes to inform changes to planning controls.

The planning controls regulating development on the Wilga Street Block are more restrictive than those for the rest of the Town Centre.

	Town Centre	WSB
Zone	Local Centre	Local Centre and Low Density Residential
Height	15m	9m
FSR	1.5:1	1.5:1 and 0.5:1

The planning controls on the Block have led to the existing low-density condition which has seen minimal redevelopment over the past 30 years. The existing built form is not in a desirable condition and renewal of the Block would lead to greater amenity and community benefit.

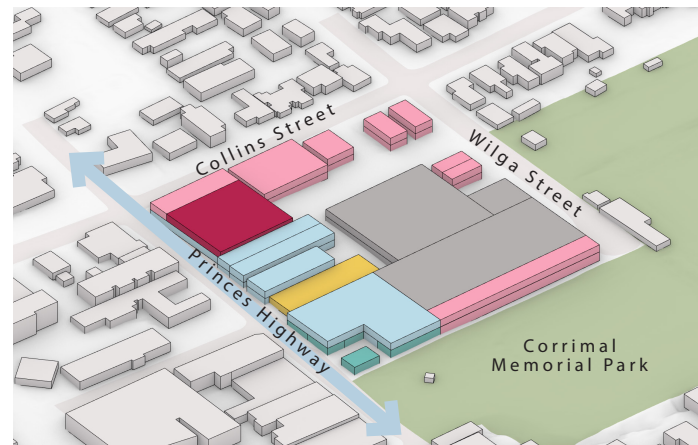
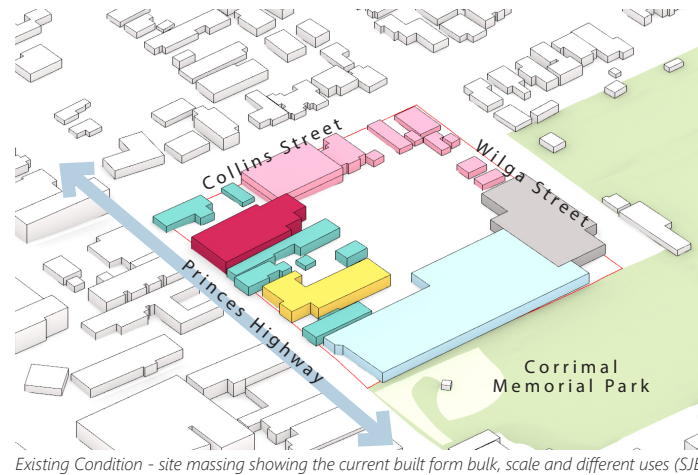
Existing development sits at or below the level of development that is currently permissible. Despite the low scale, the existing buildings along Memorial Park cause partial overshadowing of Lukes Place Playground, and the northern edge of the sportsfield.

Under current controls and without amalgamation, there is minimal incentive for redevelopment to occur or revitalisation to take place. The available 'uplift' in yield is minor or even reduced and in some instances requires existing use rights to maintain retail uses. Feasibility analysis completed by SGS Economics and Planning, determined that the LEP controls would be unlikely to lead to revitalisation in the foreseeable future.

The *Urban Design Study* tested different layouts and development densities that achieve a more permeable, activated and consolidated Block. This testing demonstrated that an increase in density on the Block has merit, and that a built form response equal to and in some areas above the town centre controls can perform well against the objectives for the Block.

The existing planning controls are limiting the ability for the site to be redeveloped and the existing amenity is very low. For this reason, revised planning controls are important to enable the revitalisation of this key site within the Corrimal Town Centre.

Please refer to the Urban Design Study for in-depth testing and evaluation of scenarios including solar access, views etc.



3 Strategic Direction and Recommendations

The Corrimal Town Centre Plan is the foundation for the Vision, Objectives and Design Principles defined for the Wilga Street Block. This foundation was built upon through the analysis and recommendations of the Urban Design Study, in order to produce a site-specific strategic direction for the Block. The importance of these objectives and principles to the community was reinforced through the Wilga Street Block Community Survey.

Vision

The Wilga Street Block will be a vibrant and flexible mixed-use precinct that strengthens the role and identity of Corrimal Town Centre. It will support the growth of the local community, with services and amenities that align with Council's strategic priorities and the reality of delivery and staging.

Memorial Park and the Princes Highway will be enhanced through improved street interfaces and public realm upgrades. Comfortable streets and improved active transport connections will support a uniquely walkable environment and minimise the role of cars.

Objectives and Design Principles

• A place for all

A high-quality town centre supported by accessible, diverse and attractive offerings.

• Vibrant mixed-use precinct

A place-based approach that is sensitive to the needs and desires of the community it serves.

• High amenity precinct

Create a network of cool, comfortable and connected places where people can dwell.

• Improved pedestrian experience

Prioritise a walkable neighbourhood where the pedestrian experience is safe and comfortable.

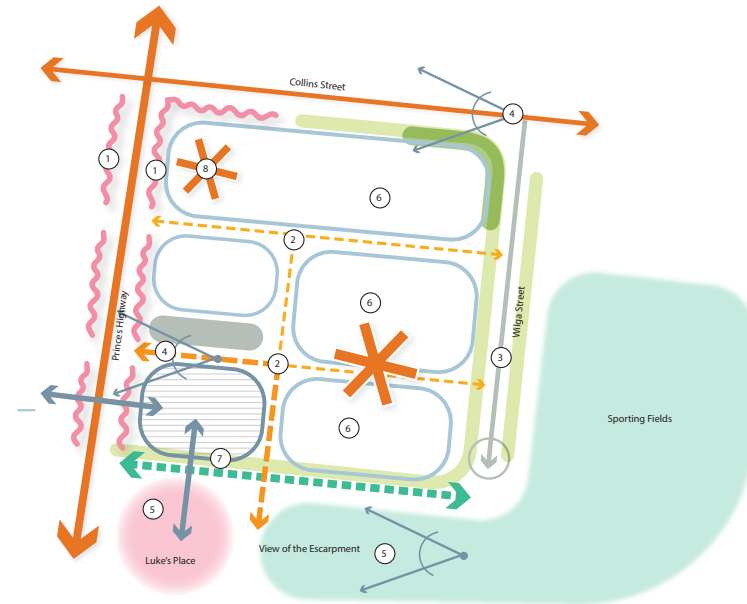
• Consolidated access and servicing

Parking and servicing is functional, adequate and discreet.

• Improved development outcome

Encourage revitalisation of the town centre through redevelopment of this key block to provide greater public benefit.

The following pages include recommendations for how these objectives and design principles will be translated into planning controls, and how they link back to the adopted Corrimal Town Centre Plan.



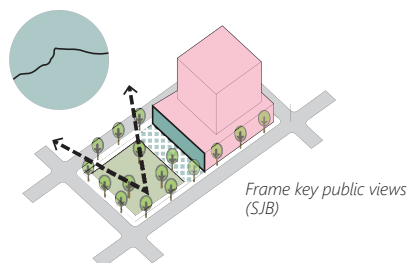
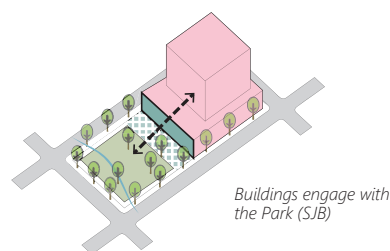
Wilga Street Block Concept Diagram (SJB)

- | | | |
|--|-----|------------------------------|
| 1. Retain mainstreet character with active frontages | Key | Active frontages |
| 2. Improve block permeability for pedestrians | | Servicing |
| 3. Locate vehicle access and servicing to Wilga Street | | Permeability |
| 4. Maintain key views to the Escarpment | | Viewlines to Brokers Nose |
| 5. Protect sunlight to Memorial Park | | Retail and dining attraction |
| 6. Strengthen lot layouts and allow for logical site consolidation and development | | Block definition |
| 7. Enhance the connections to and the interface with the Memorial Park | | Tower forms |
| 8. Investigate the potential for the distribution of tower forms across the block | | Interface with the park |
| | | Playground |

1. A place for all - A high-quality town centre supported by accessible, diverse and attractive offerings

The analysis has found that the current planning framework is compromising the ability for increased diversity and density of housing, and limiting activation of the Block. Specifically a lack of passive surveillance (low residents) and poor interface with Memorial Park results in a lack of interaction between Memorial Park and uses within the Block.

This objective aims to ensure that the planning framework supports a diverse residential population with a form and offer that celebrates its site-specific qualities and is safe and welcoming to all.

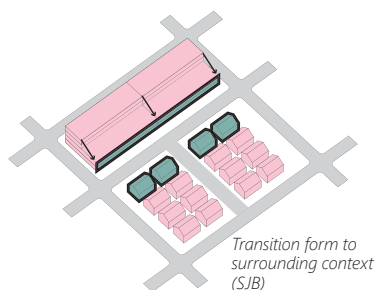
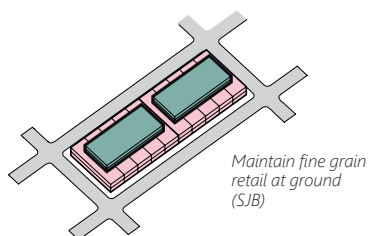


Design Principles	Recommendations	Link to Corrimal Town Centre Plan
Meaningfully integrates Dharawal culture and heritage into the development	<ul style="list-style-type: none"> Design buildings to engage with Corrimal Creek through Memorial Park Frame key public views through to the Escarpment 	A Distinct Identity; A Thriving Community Heart; Strong Connections; Pride in Quality Spaces
Improve safety and amenity through passive surveillance and activating edges	<ul style="list-style-type: none"> Require active frontages along the Princes Highway and the interface with Memorial Park. Facilitate passive surveillance to the Park by increasing height and FSR controls to unlock upper storey residential apartment development Introduce DCP controls for residential uses at ground to deliver passive surveillance of the street 	
Housing diversity and affordability models to encourage diversity	<ul style="list-style-type: none"> The Housing SEPP incentivises affordable housing. This is an appropriate mechanism under the existing controls in the rest of the town centre. Consider a further requirement for Affordable Housing for development proposals that seek to exceed controls in excess of those in the rest of the Town Centre Provide housing diversity and choice by increasing housing density on the block. 	
Spaces for people to occupy (for free) that activates the block day and night	<ul style="list-style-type: none"> Improve pedestrian access and public domain amenity along the northern boundary of Memorial Park, at the interface of the southern boundary of the Wilga Street Block. Provide Passive Surveillance to Park 	
Public open space that is inclusive and accessible to all	<ul style="list-style-type: none"> Improve the public domain in the Park at the interface with the southern boundary of the Wilga Street Block. Consider upgrades to pedestrian footpaths, new street furniture and lighting to provide a high quality, level access from the Park into the Wilga Street Block tenancies Introduce pedestrian permeability through the block in the form of pedestrian laneways that respond to key desire lines 	

2. A vibrant mixed-use precinct - A place-based approach that is sensitive to the needs and desires of the community it serves

The analysis found that the current planning framework isn't facilitating the efficient use of the Block in alignment with the role of the Town Centre and in support of the surrounding public open space. The low-scale buildings and minimal active frontages has resulted in a form that has low amenity and limited ability to cater for the future needs of our community.

This objective aims to ensure that the planning framework supports the retention and viability of a variety of uses within a built form that provides a clear identity, strong character and considered integration within the Town Centre.

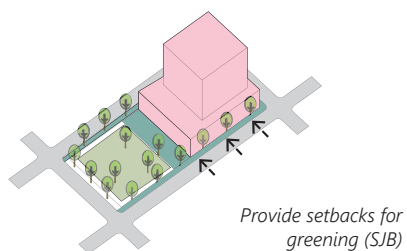
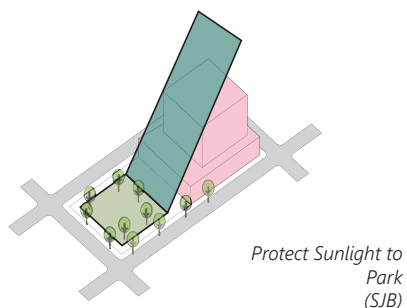


<i>Design Principle</i>	<i>Recommendations</i>	<i>Link to Corrimal Town Centre Plan</i>
Establish a true mixed-use precinct to support the centre and activation of the park	<ul style="list-style-type: none"> Rezone the whole block to E1 Local Centre Zoning which will provide more flexibility for existing commercial land owners and also permit a range of residential uses Concentrate active retail frontages facing Princes Hwy and the western end of Memorial Park Where permitted, residential frontages at ground are to address the street 	<i>A Distinct Identity;</i> <i>A Thriving Community Heart;</i> <i>Strong Connections;</i> <i>Smart Growth;</i> <i>Pride in Quality Spaces</i>
Street level maintains fine-grain retail character strengthening role of Princes Highway	<ul style="list-style-type: none"> Remove minimum lot sizes to enable development at different scales across the Block Include DCP controls that define the desired streetscape character and street interface 	
Frame key public views	<ul style="list-style-type: none"> Set back upper levels (above 2 storeys) to reduce visual impact from the street and preserve wide views along streets Provide a new through site link in alignment with Russell Street to frame views to the Escarpment and Brokers Nose from within the block 	
Responds to natural elements of the site including topography and overland flow paths	<ul style="list-style-type: none"> Ensure height is situated away from the Park to prevent overshadowing Ensure adherence with Ministerial Directions for Flooding 	
Manage built form transitions at edges to fit in with surrounding context	<ul style="list-style-type: none"> Provide a consistent street wall height of 2 storeys to Princes Hwy, Collins Street and Wilga Street, reflective of the surrounding low scale residential and existing retail main street Clearly define the character and role of streets surrounding the Block 	
Highlight opportunities for increased height and density that is appropriate to the location	<ul style="list-style-type: none"> Provide a variety of built form heights, and locate taller building elements on the corner of Collins and Princes Hwy, and through the centre of the Block 	

3. A high amenity Precinct - Create a network of cool, comfortable and connected places where people can dwell

The analysis has found that the current planning framework lacks clear controls to protect solar access and ensure connections with Memorial Park. High amounts of hard impermeable services, and little greenery across the Block adds to urban heat and reduces amenity for users.

This objective aims to ensure that the planning framework ensures high amenity by protecting sunlight to public spaces and providing space throughout the Block for increased canopy cover and greenery.

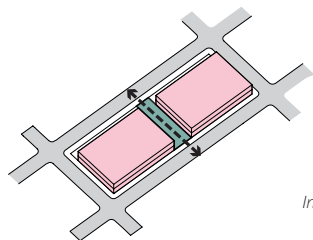


Design Principles	Recommendations	Link to Corrimal Town Centre Plan
Limit overshadowing to the Western section of Memorial Park, in particular Lukes Place	<ul style="list-style-type: none"> Provide overshadowing controls that protect Memorial Park from overshadowing during key usage times. Ensure sunlight is provided to enable adequate growing conditions for the trees and sporting fields. 	A Distinct Identity; A Thriving Community Heart; Strong Connections; Pride in Quality Spaces
Provide an activated frontage to Memorial Park	<ul style="list-style-type: none"> Implement active frontage controls which require transparency and access to retail and business uses at ground along the Park edge, with a focus on the interface to Luke's Place Playground. Improve the public domain in the Park at the interface with the southern boundary of the Wilga Street Block. Consider upgrades to pedestrian footpaths, new street furniture and lighting to provide a high quality, level access from the Park into the Wilga Street tenancies 	
Provide setbacks that support green cover and tree canopy	<ul style="list-style-type: none"> Require a ground floor (front) setback to the majority of Wilga and Collins Street to enable deep soil and planting in front yards. Investigate options for street tree planting along Collins and Wilga Street in the existing road reserve 'nature strip' Investigate options for further street tree planning on Princes Highway via future streetscape upgrades and traffic speed reduction. 	
Integrate water sensitive urban design and promote sustainable development	<ul style="list-style-type: none"> Apply existing DCP Water SeUD requirements to future developments Require ground floor setbacks provide space for permeable surfaces 	
Maintain key view lines to the escarpment, creek and park	<ul style="list-style-type: none"> Set back upper levels (above 2 storeys) to reduce visual impact from the street and preserve wide views along streets Provide a new through site link in alignment with Russell street to frame views to Brokers Nose from within the block 	

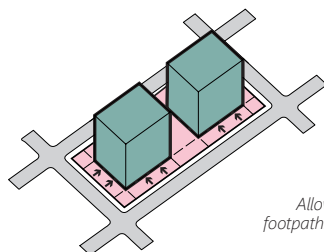
4. An improved pedestrian experience - Prioritise a walkable neighbourhood where the pedestrian experience is safe and comfortable

The analysis found that the current buildings and land ownership arrangements results in an impermeable block which prioritises the movement of vehicles over pedestrians. This is due to the prevalence of driveways around the block and lack of footpaths and mid-block connections.

This objective aims to ensure that the planning framework results in a permeable structure that supports safe and accessible active transport, encouraging people to visit and spend



Introduce new connections
(S/B)



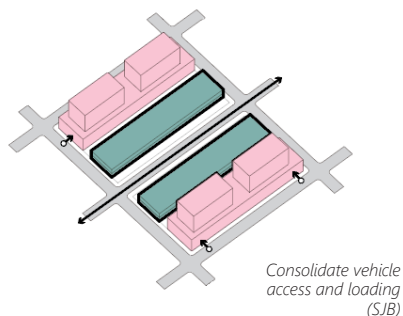
Allow space for footpaths and open space
(S/B)

Design Principles	Recommendations	Link to Corrimal Town Centre Plan
Improve access and permeability through the block Encourage pedestrian flows through the site using laneways and arcades Provide generous footpaths and public open space	<ul style="list-style-type: none"> Provide consolidated rear vehicle access to properties facing the Princes Highway Introduce pedestrian permeability through the block in the form of pedestrian laneways that respond to key desire lines, and which are open to the air where possible Improve the public domain in the Park at the interface with the southern boundary of the Wilga Street Block. Consider upgrades to pedestrian footpaths, new street furniture and lighting to provide a high quality, level access from the Park into the Wilga Street tenancies 	Strong Connections; Smart Growth; Pride in Quality Spaces
Manage potential conflicts with vehicle crossings and shared zones Provide clear wayfinding	<ul style="list-style-type: none"> Prevent additional driveways along the Princes Highway and Collins Street Consolidate vehicle entrances within the Block to minimise footpath interruptions Ensure a continuous, level path of travel along footpaths that prioritises pedestrian movement Require mid-block connections to formalise desire lines provide and establish physical and visual connections Ensure DCP controls outline the desired future character of streets including building interfaces and public domain to provide legibility and difference 	

5. Consolidated access and servicing - Parking and servicing is functional, adequate and discreet

The analysis found that the current planning framework provides limited ability to address the unusual lot configuration of the site and to improve access arrangements to limit the number of driveways impacting the public domain.

This objective aims to ensure that the planning framework supports functional and logical servicing, loading and access for vehicles whilst ensuring a high-quality outcome that is not dominated by vehicle infrastructure and support active transport connections.

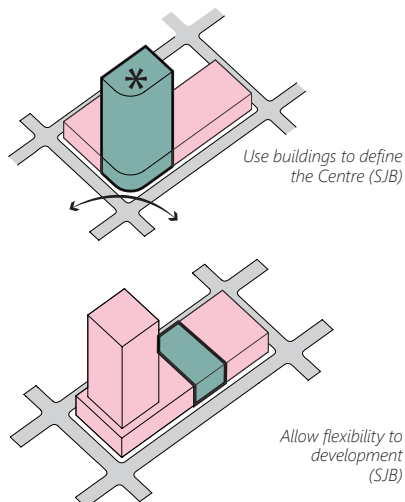


Design Principles	Recommendations	Link to Corrimal Town Centre Plan
Provide adequate parking to service the block and community needs	<ul style="list-style-type: none"> Require that any redevelopment involving Council's Land retains the existing quantum of carparking as publicly accessible parking Ensure Public Carparking is safe, accessible and linked to range of uses including Memorial Park 	Strong Connections; Pride in Quality Spaces
Clear servicing strategy that does not impact public domain	<ul style="list-style-type: none"> Encourage consolidated parking solutions across various landowners Provide consolidated rear service access for lots facing the Princes Highway 	
Consolidated access to parking to minimise conflicts with pedestrians	<ul style="list-style-type: none"> Consolidate primary vehicular access to Wilga Street Prevent additional driveways along the Princes Highway and Collins Street to ensure continuous footpaths and minimise driveway interruptions 	
Minimise the visual impact of parking and servicing with screening and sleeved parking	<ul style="list-style-type: none"> Carparking to be developed internally, sleeved by tenable uses or within basement levels where possible. If delivered at grade or above, car parking should be screened to reduce visual impact 	

6. An improved development outcome - Encourage revitalisation of the town centre through redevelopment of this key block to provide greater public benefit

The analysis has found that the current planning framework and lot configuration delivers a poor outcome. Without amalgamation or increased density, there is minimal incentive for development to occur and revitalisation to take place and public benefit captured. The analysis acknowledges the opportunity to create well resolved block and improved design outcome for Corrimal Town Centre through a clear and flexible planning framework.

This objective aims to ensure that the revitalisation of the Block provides public benefit and best practice built form outcomes. The objective acknowledges that different forms are able to be achieved on sites that are consolidated.



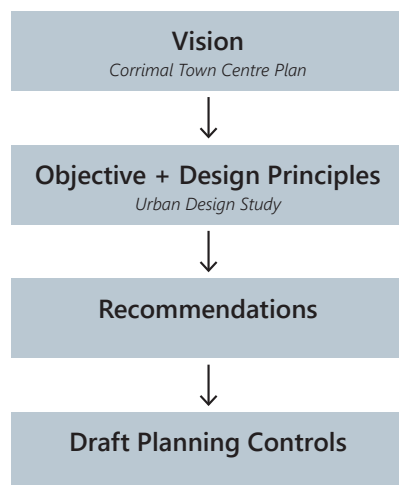
Design Principles	Recommendations	Link to Corrimal Town Centre Plan
Create a clear and logical layout that rationalises lot configuration and produces high-quality urban design outcomes	<ul style="list-style-type: none"> Encourage site consolidation that rationalises lot layouts and provides for increased permeability across the Block. Introduce alternative FSR and Height schemes that provide flexibility to large consolidated sites whilst capturing clear public benefits Introduce mid-block connections and encourage site consolidations that rationalise the lot configuration and encourage high-quality outcomes. Council to investigate the future strategic position for of their land. This position should consider delivery of clear public benefit, and contribution to the revitalisation of the block. 	A Distinct Identity; A Thriving Community Heart; Strong Connections; Smart Growth; Pride in Quality Spaces
Accommodate staging that allows for redevelopment by different owners at different times	<ul style="list-style-type: none"> Remove minimum lot size requirement Ensure the planning framework is clear in expectations around public benefit and allows flexibility for site consolidation 	
Establish a planning framework that supports appropriate investment in and revitalisation of the Block	<ul style="list-style-type: none"> Provide uplift through a new set of controls, equivalent to the rest of the Town Centre Introduce an alternative height and FSR scheme for consolidated sites, that delivers clear public benefit Provide clear guidance within the DCP on desired future character 	
Improve the activation and utilisation of Memorial Park	<ul style="list-style-type: none"> Require active frontages along the Princes Highway and Memorial Park edges Improve the public domain in the Park at the interface with the southern boundary of the Wilga Street Block Consider upgrades to pedestrian footpaths, new street furniture and lighting to provide a high quality, level access from the park into the Wilga Street tenancies Introduce pedestrian permeability through the block in the form of pedestrian laneways that respond to key desire lines 	
Strategically locate important anchor uses to activate the Block	<ul style="list-style-type: none"> Support the retention of key anchor uses that support the town centre within the Block 	

5 Summary of Proposed Planning Controls

The Wilga Street Block Planning Strategy puts forward a planning policy framework to shape positive change. These recommended changes are underpinned by the directions of the *Urban Design Study* and the foundational vision of the Corrimal Town Centre Plan.

The *Study* prompts changes to a range of key planning policy documents and processes as summarised here.

Changes to Planning Policy in line with this Strategy will be delivered through a site specific Planning Proposal and Precinct Development Controls. The progression of these amendments to planning controls is the action of this Strategy.



Wollongong Local Environmental Plan 2009

The following summary outlines changes proposed to the Wollongong Local Environmental Plan 2009:

- Extend the E1 Local Centre **Zoning** to the full extent of the Block
- Remove the 499 **minimum lot size** requirement
- Amend the existing **height limit** (9m) to include areas of 15m to encourage a mixed 2 to 4 storey outcome
- Amend **floor space ratio** controls to reflect amended zoning and height outcomes
- Introduce an **alternative Height and FSR scheme** to encourage lot consolidation and to facilitate improved public benefit incl. Affordable Housing
- Map the Block as a **Key Site**, meaning future development will need to be assessed against the design excellence requirements of clause 7.18
- Map where **active frontages** are required across the block (clause 7.19)
- Introduce **overshadowing controls** to protect sunlight to Luke's Place Playground and the Memorial Park Sports grounds

- Amend **Additional Permitted Use** mapping to enable residential flat buildings to be permitted on lots with no active frontage mapping

Wollongong Development Control Plan 2009

The following summary outlines changes proposed to the Wollongong DCP - Chapter B4 Development in Centres and Peripheral Sales Precinct, Wilga Block Precinct:

- Define the desired **future character** for the Wilga Street Block, surrounding streets and Memorial Park interface
- Define key **public views** along key streets and from the Park towards the Escarpment..
- Define preferred site consolidation options.
- Define **pedestrian links** from the Princes Highway to Wilga St and to the Park. 24 hour accessible links are preferred.
- Define **consolidated access and internal circulation** for vehicles. Rear access to access denied properties on Princes Hwy is to be provided from Wilga Street. Service and Access streets are to be pedestrian priority environments.
- Define **ground floor setbacks** which respond to the varied street and park interfaces. Uses facing Princes Highway are to maintain the 0m setback. Uses facing Memorial Park are to be setback to allow a publicly accessible area for outdoor dining and pedestrian movement. Uses facing Wilga and Collins Sts are to provide a landscaped (private) setback
- Define **street wall heights and setbacks** above street wall which respond to the varied built form contexts and preserve views to the Escarpment. Maintain a 1-2 storey street wall around the block. Provide varied setbacks to meet overshadowing, view and street character requirements
- Define **side and rear setbacks** at ground and upper levels to accommodate through site links, provide light and air to the street and open spaces and provide a strong built form edge to the street where appropriate
- Control the **quality and amenity of street interfaces** through detailed active frontage design controls and controls for residential frontages at ground
- Introduce a site-specific control for the retention of the quantum of **publicly accessible parking** on Lot 5 DP 37769.

The following diagrams have been adapted from the *Corrimal Town Centre Plan* (p. 29-30). The diagrams provide an update to key planning controls by translating the proposed recommendations from this Strategy as they apply to the Wilga Street Block.



Town Centre Boundary



Active Frontages



Access and Connections



Overshadowing



Public Views



Continuous Footpaths and Ground Setbacks





PLANNING PROPOSAL – WILGA STREET BLOCK, CORRIMAL

To amend Wollongong LEP 2009

7 March 2023

LOCAL GOVERNMENT AREA Wollongong City Council

NAME OF LEP Wollongong Local Environment Plan 2009
Wilga Street Block Planning Proposal

ADDRESS OF LAND The lots bound by Wilga Street, Collins Street, Princes Highway and Memorial Park, Corrimal including -

Lot 1 DP 719289	Lot 1 DP 206297	Lot 2 DP 164022	Lot 102 DP 776944
Lot 1 DP 197991	Lot 1 DP 782673	Lot 2 DP 617913	Lot 101 DP 776944
Lot 102 DP 825910	Lot A DP 154206	Lot 3 DP 617913	Lot 500 DP 1003704
Lot 1 DP 504196	Lot 1 DP 1036220	Lot 5 DP 37769	Lot 100 DP 1090992

And the lots within Memorial Park Corrimal including -

Lot 1 DP 160127	Lot 42 DP 234461	Lot 5371 DP 1174381, RES D580087
Lot 1 DP 1163544	Lots 1-3 DP 162253	Lot 7310 CROWN 1148196, RES D580087
Lot 101 DP 716006	Lots 1-3 DP 162363	Lot 22 DP 804962
Lot 1 DP 1221598	Lots 1-2 DP 163779	



Figure 1: The study area, comprising the Wilga Street Block and adjoining public open space, Corrimal

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INTRODUCTION

Corrimal Town Centre is a Major Town Centre serving Wollongong's Northern Suburbs. The Wilga Street Block (the Block) occupies the north-east end of the Town Centre. The Block has a split zoning and a lower height of building and floorspace ratio control than the remainder of the Town Centre. The ownership, amalgamation and access arrangements are also complicated. These conditions have constrained redevelopment of the site, and present ongoing challenges in achieving high-quality built form and public domain outcomes.

A revitalised Wilga Street Block is well positioned to contribute to employment floorspace, increase housing diversity and supply, and provide the community with a vibrant, mixed-use precinct with an upgraded and green public domain.

In 2015 Wollongong City Council adopted the *Corrimal Town Centre Plan 2015-2025* (the Plan). This Plan set a long-term aspiration for a liveable and vibrant town centre. The Plan identifies the Wilga Street Block as a Key Site stating that there is merit in investigating increasing height controls and floor space ratio (FSR) consistent with the rest of the Corrimal town centre and to develop accompanying design guidelines, principles and development controls to ensure high quality outcomes. The Plan confirms that development capacity is currently limited by the split zoning, height and FSR controls.

The purpose of this Planning Proposal is to seek amendment to the *Wollongong Local Environmental Plan 2009* based on the findings of the *Wilga Street Block Urban Design Study* and recommendations of the *draft Wilga Street Planning Strategy*. It relates to the lots contained within the block bound by Wilga Street, Collins Street, the Princes Highway and Memorial Park, as well as Wilga Street and Memorial Park themselves. The Planning Proposal presents key changes to land use, height, FSR, overshadowing, minimum subdivision lot size and design excellence controls.

This Planning Proposal is supported by detailed precinct-based planning controls proposed to sit within the Wollongong DCP Chapter B4 – Development in Business Zones (draft DCP). The draft DCP is to be publicly exhibited in conjunction with this planning proposal.

This report has been prepared in accordance with the Department of Planning & Environments (DPE) *Local Environmental Plan Making Guideline (August 2023)* and the obligations under the *Environmental Planning and Assessment Act 1979*. It demonstrates strategic merit for amendments proposed, outlines changes to planning controls and considers planning implications of these changes.

As Council is a landholder within the Block, it is not seeking to be authorised as the Local Plan-Making Authority (LPMA) for this planning proposal. The LPMA is identified in a Gateway determination and identifies the authority who will undertake the statutory functions of making the LEP.

SECTION 1 – SITE IDENTIFICATION

1.1 Site Description

The planning proposal relates to the north-eastern end of the Corrimal Town Centre, east of the Princes Highway (Figure 2). The focus of most planning control changes sought by this planning proposal is to the developable area within the Block bound by Wilga Street, Collins Street, the Princes Highway and Memorial Park (Figure 3). The Block is approximately 2.5ha, excluding public roads. It is located close to existing bus services and approximately 950m from Corrimal Train Station.



Figure 2: Corrimal Town Centre (SJB)

The Wilga Street Block provides a northern anchor to the Corrimal Town Centre. Its four boundaries interface with a range of different urban conditions. The Block's western boundary addresses Corrimal's fine grain high street – the Princes Highway. To the south the block shares a boundary with Corrimal Memorial Park, a key place for users of all ages for gathering, playground and recreation uses. To the east is Wilga Street, a cul-de-sac with a mixed residential, commercial, and recreational street frontage which provides primary vehicle access, including access to a loading dock, to many uses within the Block. Collins Street to the north marks the transition point of the town centre to the surrounding low-density residential area.



Figure 3 – Wilga Street Block, Corrimal (SJB)

Within the Block there are a range of different land uses present including retail premises, business premises, a club, an at grade carpark and residential dwellings, including single detached dwellings and residential flat buildings. Existing buildings are one or two storeys high and are concentrated on the boundaries and address the street. Currently, activation to Memorial Park is limited to one entry/exit point from the mall, generally aligned with Luke's Place playground.

There are three major land holders whose land holdings account for approximately 75% of the Block (Figure 4) -

- 1 Corrimall RSL and Memorial Club and Corrimall RSL Sub-Branch (~5,108m²).
- 2 Wollongong City Council (~3,781m²).
- 3 Corrimall Park Mall (~9,537m²).



Figure 4 – Land Ownership

Ad hoc development over time has created haphazardly aligned, unusually shaped and fragmented lot amalgamations. This has resulted in several lots that are highly constrained due to size, shape, alignment or access and presents challenges for future redevelopment.

The ownership patterns across the Block have an impact on the capacity of the Block to accommodate future development. It is more likely to see large-amalgamated lots turn over because they allow greater flexibility in development. Lots with strata subdivision are less likely to develop, as are small lots in single ownership.

Wollongong City Council is one of the major landowners, with a land holding in the centre of the Block (see 2, within Figure 4). This Council owned landholding is legally described as Lot 5 DP 37769 and known as 101 Wilga Street, Corrimal (the parking lot). It is an approximately 3,781m² irregular shaped allotment which is classified as 'Operational Land' under the Local Government Act 1993. The parking lot has been leased to an adjoining landowner since the 1980s and is utilised as an off-street carpark providing approximately 80 spaces, and is used by visitors to the Block, Town Centre and Memorial Park. The parking lot also provides rear vehicle access to the properties fronting the Princes Highway.

The draft Wilga Street Block Planning Strategy (details provided in Section 2.1 below) recommends an alternative height and FSR scheme is introduced to encourage lot consolidation and to facilitate improved public benefit including affordable housing. It also recommends a range of other LEP and DCP amendments to shape positive change within the Block. The analysis in the draft Wilga Street Block Planning Strategy found that the parking lot is constrained by its narrow lot street frontage (12.23m), and that its current layout and location limits the potential of adjacent landowners to redevelop. Due to the location of the parking lot within the centre of the Block it has the potential to contribute to the vision for the Block and support improved outcome for the Centre. Amalgamation with neighbouring lots could enable a clear street address and facilitate future redevelopment by diversifying the offer of the Block whilst delivering clear public benefit. The parking lot has therefore been included in preferred lot consolidation options in the draft site-specific

development control plan (DCP) controls, see **Figure 26: Proposed Special Area Map** below, and within the special area map. The proposed LEP amendments and draft DCP has been informed by the analysis undertaken in the documents described in Section 2 below, community engagement and advice from the Local Planning Panel.

This planning proposal and associated draft precinct specific DCP controls provides a strategic planning framework to guide future development within in the Block with the aim facilitating a vibrant mixed-use precinct, additional employment floorspace, increased housing diversity and supply, whilst protecting the adjacent public open space from unreasonable overshadowing and ensuring the built form responds to the site context.

Details on the proposed amendments to the Wollongong Local Environmental Plan 2009 that apply the Block, including the parking lot, are provided in Section 3 of this document.

SECTION 2 – BACKGROUND AND CONTEXT SETTING

2.1 Planning Context

A range of documents have informed this Planning Proposal, demonstrated in Figure 5.

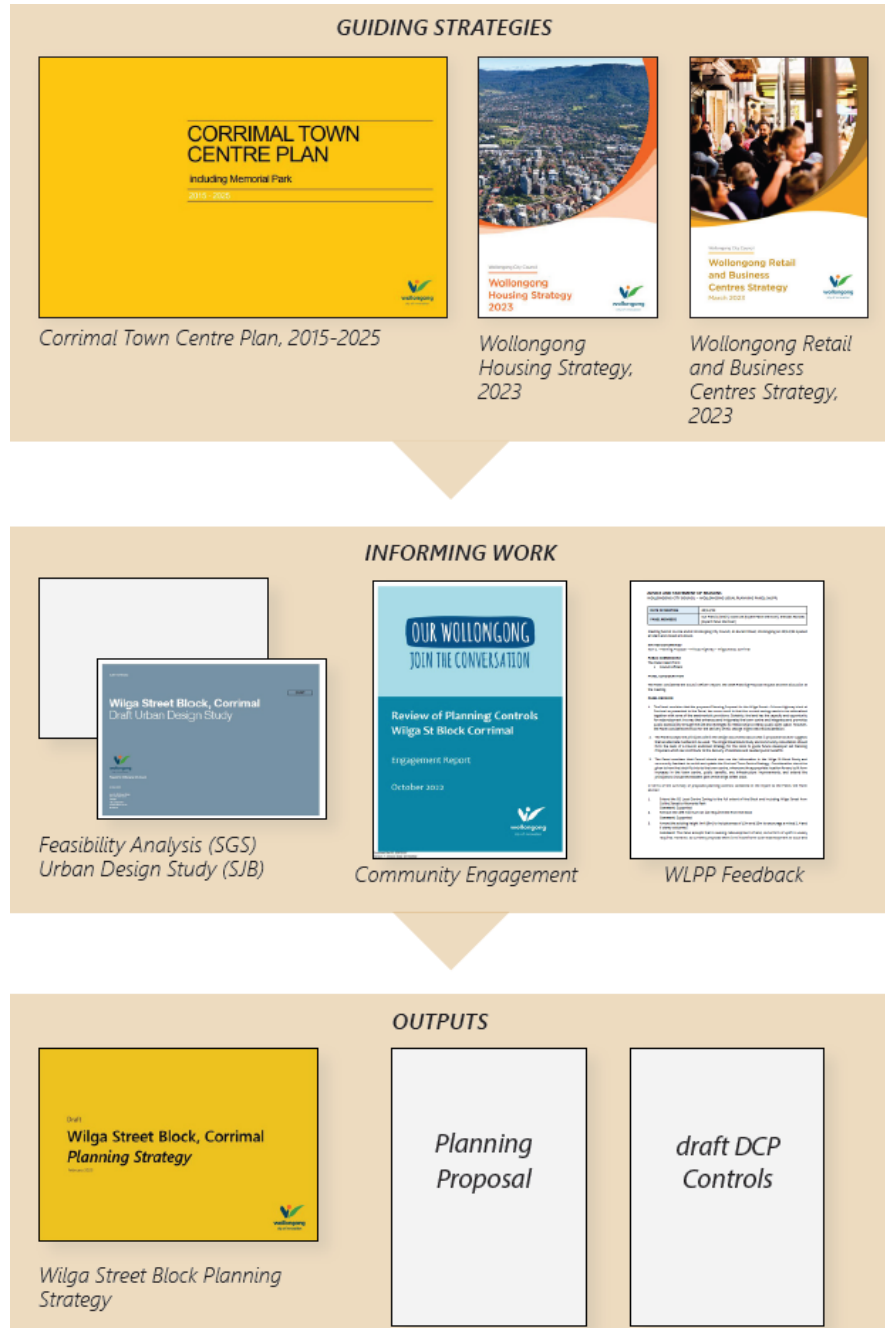


Figure 5: Line of sight (Corrimal Town Centre Plan to this Planning Proposal) (adapted from Wilga Street Block Planning Strategy)

This Planning Proposal has been further informed by -

- Traffic Impact Assessment - Bitzios Consulting.
- Flood Assessment – Advisian.

Note: The *Employment Zones Reform*, implemented by the NSW Department of Planning & Environment in April 2023, is applicable to certain land within the Planning Proposal. The Reform reduced the number of employment zones, by consolidating the existing zones into broader zone categories. Under the reforms B2 Local Centre was transitioned to E1 Local Centre. Some of the supporting documents for this Planning Proposal were prepared prior to the implementation of the Reform and therefore reference the zone “B2 Local Centre” which has now been translated to zone “E1 Local Centre”.

2.1.1 Corrimal Town Centre Revitalisation Strategy 2009

Rohan Dickson + Associates Pty Ltd (now Urbis Pty Ltd) were engaged by Wollongong City Council in 2007 to develop a Revitalisation Strategy for Corrimal Town Centre. The primary role of the Corrimal Revitalisation Strategy was to review Town Centre planning controls.

Changes to height and floor space ratio (FSR) controls were tested across the Corrimal Town Centre, including the business zoned portion of the Wilga Street Block. No recommendation to increase height or floor space ratio controls applying to the Wilga Street Block was made. The reason for this is not clearly documented.

The recommendations from this Strategy informed amendments relating to the Corrimal Town Centre in the then draft Wollongong Local Environmental Plan 2009 (LEP).

2.1.2 Wollongong Local Environmental Plan Review 2009

In 2010, the Wollongong LEP 2009 replaced the *Wollongong Local Environmental Plan 1990*. The transition to the Wollongong LEP 2009 included a review of existing controls, consideration of new strategies and recommendations, and updates to the instrument to align with the Standard Instrument (Local Environmental Plans) Order 2006. The changes were notified in 2010. The controls brought into place for Corrimal Town Centre were mostly reflective of revisions needed to bring the planning controls into alignment with the Standard Instrument LEP.

Table 1 summarises and compares the relevant Wollongong LEP 2009 controls applying to the Corrimal Town Centre in force at time of writing. The table demonstrates that the Wollongong LEP 2009 controls that apply to the E1 Zone (formally B2 Local Centre Zone) across the Wilga Street Block are lower than the rest of town centre.

To note, the Employment Zones Reform came into effect 26 April 2023 and translated the B1 Neighbourhood Centre and B2 Local Centre zone into the E1 Local Centre. As part of this process an additional permitted use (number 33) was introduced to maintain the permissibility (permissible with consent) of Residential Flat Buildings and Self-Storage units on land that was formerly zoned B2 and maintain the prohibition of those uses on land that was formerly zoned B1.

Table 1: Summary of Existing Wollongong LEP 2009 Controls

Planning Controls	Corrimal Town Centre	Wilga Street Block
Zoning	E1 Local Centre	E1 Local Centre R2 Low Density Residential
Floor Space Ratio (FSR)	1.5:1	1.5:1 (E1) 0.5:1 (R2)

Planning Controls	Corrimal Town Centre	Wilga Street Block
Height of Building (HOB)	15m	9m
Additional Permitted Uses	APU 33 applies to land zoned E1 Local Centre	APU 33 applies to part of the site, in line with to the E1 zoning and states development for the purposes of residential flat buildings or self-storage units is permitted with development consent.

2.1.3 Corrimal Town Centre Plan 2015 (current)

The adopted *Corrimal Town Centre Plan 2015 - 2025* was built on the *Corrimal Town Centre Revitalisation Strategy* and sets the vision and strategic direction for the Corrimal Town Centre.

The *Plan* identifies 5 key sites that may have future redevelopment potential, and notes that further studies are required to test possible development capacity in on these sites. The Wilga Street Block was identified as a key site (identified as 1 in Figure 6 below). The *Plan* states, specific to the Wilga Street Block, that there is merit in investigating increasing planning controls that apply to this block.



Figure 6: Key Sites Diagram, Wilga Street Block denoted as Site 1. Source: *Corrimal Town Centre Plan*

The Corrimal Town Centre Plan outlines the following considerations for the Block (p.21) -

- *Development capacity of this block is currently limited - height restricted to 9m and FSR varies 0.5:1 (R2) and 1.5:1(B2). This block has a split zoning of B2 Local Centre and R2 Low Density Residential.*
- *Site comprises several large lots in close proximity to all centre services.*
- *Public car park servicing Town Centre and Memorial Park is in the middle of the block.*
- *Flood affected areas are limited and do not impose a constraint on intensified development.*
- *Opportunity to activate Memorial Park with redevelopment to improve safety and surveillance and increase residential population in centre and support local business.*
- *Merit in investigating increasing height controls and floor space ratio in this block, consistent with rest of Town Centre. Develop accompanying design guidelines, principles and development controls to ensure high quality-built form.*

The review of planning controls across the Wilga Street Block was the focus of Action 2.1 of an implementation action of the Plan.

2.1 TOWN CENTRE RESIDENTIAL CAPACITY REVIEW	<i>Through the Housing Study Review, test the residential capacity of the town centre to cater for intensified residential living, with a focus on the Wilga Street Block, ensuring the strategic direction for residential capacity and built form in the town centre aligns with the Floodplain Risk Management Study.</i>
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To deliver on this recommendation Council has undertaken a planning and design review of the Block.

2.1.4 Wilga Street Block Planning and Design Review

In line with the recommendations of the *Corrimal Town Centre Plan* and *Council's Planning Proposal Policy*, Council has undertaken a planning and design review to inform amendments to the LEP and DCP. The outputs of this review include -

- Wilga Street Block Urban Design Study.
- Draft Wilga Street Block, Corrimal – Planning Strategy.
- Planning Proposal (this document) and attachments.

Draft amendments to *DCP Chapter B4 – Development in Centres and Peripheral Sales Precincts*, the *draft Strategy* and this *Planning Proposal* were informed by detailed feasibility and urban design analysis documented in the *Wilga Street Urban Design Study* (SJB Architecture and Planning) and the *Wilga Street Block Feasibility Report* (SGS Economics and Planning) and supported by a *Traffic Impact Assessment* (Bitzios Consulting) and *Flooding Assessment* (Advisian).

The *Urban Design Study* interrogates the existing planning framework and, tests different development outcomes to inform changes to planning controls.

The planning controls on the Block are more restrictive than those for the rest of the Town Centre and have led to the existing low-density condition which has seen minimal redevelopment over the past 30 years. Existing development sits at or below the level of

development that is currently permissible. Despite the low scale, the existing buildings along Memorial Park cause partial overshadowing of Luke's Place Playground, and the northern edge of the sports field.

Under current controls and without amalgamation, there is minimal incentive for redevelopment to occur or revitalisation to take place. The available 'uplift' in yield under the current controls is minimal. Feasibility analysis completed by SGS Economics and Planning, determined that the current LEP controls would be unlikely to lead to revitalisation in the foreseeable future.

The *Urban Design Study* tested different layouts and development densities that achieve a more permeable, activated and rationally arranged Block. This testing demonstrated that an increase in density on the Block has merit, and that a built form response equal to, and in some areas, above, the town centre controls can perform well against the objectives for the Block.

The *draft Strategy* acknowledges that the revitalisation of the Block is an opportunity to deliver a mixed-use precinct in line with the community's future needs. It provides the strategic direction for the Block, enabling a line of site between the Corrimal Town Centre Plan and putting forward recommendations for changes to the *Wollongong LEP 2009* and *Wollongong DCP 2009: Chapter B4 Development in Centres and Peripheral Sales Precincts*.

The recommendations for changes to planning controls are guided by existing strategic policy, and developed through context analysis, design principles and built form testing. Recommendations have been informed and refined through community consultation, peer review and advice from the Wollongong Local Planning Panel (WLPP).

The planning and design review proposes that planning controls facilitate the following outcomes -

- 1 *Retain Princes Highway character with active frontages and fine grain retail.*
- 2 *Improve block permeability and through-site links to provide pedestrian priority.*
- 3 *Locate servicing focused on Wilga Street that is discreet.*
- 4 *Maintain key view lines to Broker's Nose from Memorial Park and Collins Street.*
- 5 *Minimise overshadowing to Memorial Park and Luke's Place.*
- 6 *Strengthen the block definition and allow for logical amalgamation.*
- 7 *Enhance the permeability and the interface with the park.*
- 8 *Investigate the potential for a gateway to Corrimal town centre in the north-west corner.*

2.2 Wollongong Local Planning Panel

In accordance with s9.1 Ministerial Direction *Local Planning Panels Direction – Planning Proposals* the planning proposal was reported to the 20 December 2022 meeting of the WLPP for advice.

Overall, the Panel accepted the principles within the documents and noted the proposal has merit in that the current zoning needs to be rationalised together with refreshed controls. The Panel recommended, in summary, the following areas for further investigation

-

- The Panel had concerns that some sites within the block may be redeveloped in isolation from others without public benefit being realised.
- The Panel supported overshadowing controls and recommended ensuring that they were realistic for Winter.
- The panel recommended a clearer line of sight and alignment between the Corrimal Town Centre Plan and proposed planning controls through the development of an endorsed strategy.
- The panel recommended that any increase to planning controls above that of the surrounding town centre should be dependent on amalgamation and clear public benefit, and supported by an adopted site-specific strategy.

A copy of the detailed advice provided by the WLPP is contained in appendix 1.

In response to the advice of the WLPP, the Draft Wilga Street Block Planning Strategy was prepared by Council, informed by the previous studies completed. The proposed provisions were revised to the form described in this Planning Proposal, and as reported to Council for consideration.

Specific changes to proposed development standards included moving from a set height and FSR control, to a base control of 15m and 1.5:1, and an alternative control for certain land of up to 21m and 2:1 FSR where lot consolidation and affordable housing provision was delivered.

2.3 Council meeting

On 3 April 2023 Council considered a report on the Wilga Street Planning Proposal including proposed maps, draft DCP controls, and the draft Wilga Street Block Planning Strategy. Council resolved the following –

- 1 *The draft Wilga Street Block Planning Strategy (Attachment 3) be endorsed for exhibition.*
- 2 *The draft Wollongong Development Control Plan 2009 – Chapter B4 Development in Business Zones: Corrimal Major Town Centre – Precinct 1: Wilga Street (Attachment 5) be endorsed for exhibition.*
- 3 *A draft Planning Proposal be prepared for the Wilga Street Block to amend the Wollongong Local Environmental Plan 2009 Maps (Attachment 4) and controls as indicated in this report.*
- 4 *The draft Planning Proposal be forwarded to the NSW Department of Planning and Environment for a Gateway Determination to enable exhibition.*
- 5 *Following the receipt of the Gateway Determination, the draft Planning Proposal, draft Wollongong Development Control Plan 2009 – Chapter B4 Development in Business Zones: Corrimal Major Town Centre – Precinct 1: Wilga Street (Attachment 5) and the draft Wilga Street Block Planning Strategy (Attachment 3) be exhibited for a minimum period of 28 days.*
- 6 *Following the combined exhibition of the forementioned documents, the issues raised in submissions be reported to Council.*
- 7 *The NSW Department of Planning and Environment be advised that as Council is a landowner, Council is not seeking delegation to progress the finalisation of the Planning Proposal after exhibition and the consideration of submissions.*

SECTION 3 – THE PLANNING PROPOSAL

PART 1: OBJECTIVES AND INTENDED OUTCOMES

The *Corrimal Town Centre Plan* is the foundation for the Vision, Objectives and Design Principles defined for the Wilga Street Block. This foundation was built upon through the analysis of the *Urban Design Study* and the recommendations of the *draft Wilga Street Block Planning Strategy*, to produce a site-specific strategic direction for the Block. The importance of these documents' objectives and principles to the community was reinforced through the Wilga Street Block Community Survey.

The objective of the Planning Proposal is to amend the Wollongong LEP 2009 to facilitate the revitalisation of the Wilga Street Block Corrimal including -

- Ensuring that there is a simple, clear and consistent planning control framework that promotes high-quality built form that supports and interacts with Memorial Park, surrounding streets and enhances the Corrimal Town Centre streetscape character.
- Resolving challenges caused by split zonings occurring across large land holdings and the block as a whole.
- Ensuring the ongoing provision of retail and other non-residential floor space to meet local employment and retail needs.
- Responding to the need for a greater supply and diversity of housing, as identified in the Wollongong Housing Strategy.
- Ensuring that key development standards respond to place and promote the desired character identified in the Corrimal Town Centre Plan.
- Ensuring that Memorial Park playground and sports fields have solar access throughout the year to safeguard public enjoyment of this land and health of the sports field ground cover.
- Ensuring diversity and flexibility of built form and a diversity of uses.
- Encouraging a rational amalgamation pattern across the Block.
- Introducing a framework for contributions towards affordable housing.

The intended outcomes as defined through the *Draft Wilga Street Urban Design Study* and the *draft Wilga Street Block Planning Strategy*, include -

- **A place for all.** A high-quality town centre supported by accessible, diverse and attractive offerings
- **A vibrant mixed-use precinct.** A place-based approach that is sensitive to the needs and desires of the community it serves.
- **A high-amenity precinct. Create a network of cool, comfortable and connected places where people can dwell.**
- **An improved pedestrian experience. Prioritise a walkable neighbourhood where the pedestrian experience is safe and comfortable.**
- **Consolidated access and servicing.** Parking and servicing is functional, adequate and discreet.

An improved development outcome. Encourage revitalisation of the town centre through redevelopment of this key block to provide greater public benefit.

PART 2: EXPLANATION OF PROVISIONS

The proposed new controls are informed by the *Corrimal Town Centre Plan* vision, *draft Urban Design Study*, *Wollongong Housing Strategy*, *Retail and Business Centres Strategy* and non-statutory community consultation. The recommendations for changes to planning controls are outlined in the *draft Wilga Street Block Planning Strategy*. The draft controls have been tested to understand their broad implications on development outcomes across the Block and on individual properties.

The revitalisation of the Block is an opportunity to meet future demand for employment needs and housing diversity and growth and transform it into a vibrant mixed-use precinct with an upgraded and green public domain. The Block is well positioned to accommodate increased residential density being close to jobs, services and public transport. The Block revitalisation is also a potential opportunity to increase the amount of affordable housing stock in the LGA.

2.1 Summary of proposed amendments to Wollongong Local Environmental Plan 2009

The proposed amendments to Wollongong LEP2009 are sought to facilitate the Objectives and Intended Outcomes in Part 1 of this Planning Proposal, and are summarised below -

- a Amend the Land Use Zone to rezone land from R2 Low Density Residential to E1 Local Centre for certain land -
 - Rezone Lot 102 DP 825910, Lot 100 DP 1090992, Lot 1 DP 197991, Lot 1 DP 719289, Lot 2 DP 617913, Lot 3 DP 617 913, Lot 5 DP 37769, and Lot 500 DP 1003704 from R2 Low Density Residential to E1 Local Centre. Map the E1 Local Centre across Wilga Street between Collins Street and Memorial Park.
- b Amend the Additional Permitted Uses Map to extend the application of APU 33 in line with the proposed E1 Local Centre Zone.
- c Amend the Minimum Subdivision Lot Size map to remove the application of a minimum lot size as it applies to certain land -
 - Remove the 499 minimum lot size requirements from Lot 102 DP 825910, Lot 100 DP 1090992, Lot 1 DP 197991, Lot 1 DP 719289, Lot 2 DP 617913, Lot 3 DP 617 913, Lot 5 DP 37769, and Lot 500 DP 1003704.
- d Amend the Height of Buildings and Floor Space Ratio Maps, as they apply to certain land -
 - Amend Height Of Building controls on Lot 2 DP 164022, Lot 1 DP 206297, Lot 100 DP 1090992, Lot 5 DP 37769, Lot 2 DP 617913, Lot 3 DP 617 913 and part of Lot 500 DP 1003704, Lot 1 DP 782673, Lot 102 DP 776944, Lot 101 DP 776944, Lot A DP 154206, Lot 1 DP 1036220, Lot 102 DP 825910, Lot 100 DP 1090992, Lot 1 DP 197991, Lot 1 DP 719289, Lot 2 DP 617913, Lot 500 DP 1003704 from 9m to 15m.
 - Amend Floor Space Ratio controls on Lot 102 DP 825910, Lot 1 DP 197991, Lot 1 DP 719289, Lot 2 DP 617913, Lot 3 DP 617913, and part of Lot 5 DP 37769, Lot 100 DP 1090992 and Lot 500 DP 1003704 from 0.5:1 to 1.5:1.
- e Amend Cl 7.19 Active Street Frontages and accompanying maps to include reference to public open space, and apply to certain land -
 - Amend Clause 7.19 Active Street Frontages to Active Frontages and include reference to Public Open Space (in addition to streets) in the clause.

- Amend Active Street Frontage Map title to remove word “Street”.
- Map active frontages to Lot 500 DP 1003704 (facing the Princes Hwy, Memorial Park, and Wilga Street), Lot 1 DP 782673, Lot 102 DP 776944, Lot 101 DP 776944, Lot A DP 154206, Lot 1 DP 1036220, Lot 100 DP 1090992 (facing the Princes Highway), Lot 2 DP 164022, Lot 1 DP 206297 (Princes Highway and Collins Street
- f Introduce a new local provision under Part 7 Local Provisions – General and associated mapping to facilitate alternative building height and floor space ratio provisions in certain circumstance for certain land (‘Special Area’).
 - This Special Area will apply to Lot 2 DP 164022, Lot 1 DP 206297, Lot 1 DP 20629, Lot 5 DP 37769, Lot 100 DP 1090992, Lot 2 DP 617913, Lot 3 DP 617913 and part of and Lot 500 DP 1003704.
 - **Introduce an alternative Height and FSR control for existing lots of 5,000m² or greater and/or logically consolidated lots that contribute to Affordable Housing.**
- g Introduce a new provision under Part 7 Local Provisions - General to levy contributions for affordable housing on defined sites.
- h Amend cl7.18 Design Excellence in Wollongong City Centre and at key sites to include additional considerations and reference the Overshadowing Map
- i Amend the Key Sites Map to include additional sites -
 - Map the Block as a Key Site, including Lot 2 DP 164022, Lot 1 DP 206297, Lot 100 DP 1090992, Lot 5 DP 37769, Lot 2 DP 617913, Lot 3 DP 617 913, Lot 500 DP 1003704, Lot 1 DP 782673, Lot 102 DP 776944, Lot 101 DP 776944, Lot A DP 154206, Lot 1 DP 1036220, Lot 102 DP 825910, Lot 100 DP 1090992, Lot 1 DP 197991, Lot 1 DP 719289, Lot 2 DP 617913.
- j Introduce a new local provision under Part 7 Local Provisions – General to protect solar access to Memorial Park including the sports grounds and Luke’s Place Playground
 - Introduce overshadowing controls to protect sunlight to Luke’s Place Playground and the Memorial Park Sportsgrounds.
 - Amend the Overshadowing map to include additional sites as noted.
- k **Amend cl 4.6 to include reference to the proposed overshadowing clause (7.XX Overshadowing of Luke’s Place Playground, Memorial Park Main Ground, Memorial Park Outside Ground and Wilga Street Tennis Courts)**

A detailed description of each proposed amendment is provided in Part 2, 2.3 below.

2.2 Proposed inclusions Wollongong Development Control Plan 2009 Chapter B4 – Development in Business Zones

Supporting the proposed amendment to the Wollongong LEP 2009 are recommendations for additional DCP controls. It is proposed to add a new precinct section to Part 7 Planning Requirements for Development in the Major Town Centres. The amendments include -

- Define the desired future character for the Wilga Street Block, street interfaces and Memorial Park interface.
- Define key public views along Collins Street and from the Park towards the Escarpment.

- Define a new framed view of Brokers Nose via an open-air pedestrian link aligned with Russell Street. Depending upon any lot consolidation or development scenario, Council will consider alternative pedestrian link arrangements.
- Define pedestrian links from the Princes Highway to Wilga St and to the Park. 24 hour accessible links are preferred.
- Define consolidated access and internal circulation for vehicles. Rear access to access denied properties on Princes Hwy is to be provided from Wilga Street. Service and Access streets are to be pedestrian priority environments.
- Define preferred lot consolidation-options.
- Define ground floor setbacks which respond to the varied street and park interfaces. Uses facing Princes Highway are to maintain the 0m setback. Uses facing Memorial Park are to be setback to allow a publicly accessible area for outdoor dining and pedestrian movement, and to maintain solar access to Luke's Playground and the sports fields at appropriate times. Uses facing Wilga and Collins Streets are to provide a landscaped (private) setback.
- Define street wall heights and setbacks above street wall which respond to the varied built form contexts and preserve views to the Escarpment. Maintain a 1-2 storey street wall around the block. Provide varied setbacks to meet overshadowing, view and street character requirements.
- Define side and rear setbacks at ground and upper levels to accommodate through site links, provide light and air to the street and open spaces and provide a strong built form edge to the street where appropriate.
- Control the quality and amenity of street interfaces through detailed active frontage design controls and controls for residential frontages at ground.
- Control the design, integration and access to car parking within the Block.

2.3 Detailed explanation of proposed amendments to *Wollongong Local Environmental Plan 2009*

a Amend the Land Use Zone to rezone land from R2 Low Density Residential to E1 Local Centre for certain land

The Wilga Street Block is 25,014 m² and includes 16 lots. 12,084m² (or approximately 48%) of the block is zoned E1 Local Centre. This includes all lots facing the Princes Highway, including eight (8) whole lots and portions of two (2) large lots that have a split zoning. 12,930m² (or approximately 52%) of the block is zoned R2 Low Density Residential, this includes the remaining six (6) lots facing Wilga and Collins Street, and the remainder of the split zoned lots. The Wilga Street road reserve is zoned R2.

The existing zoning is shown in Figure 7: Existing Land Zoning Map

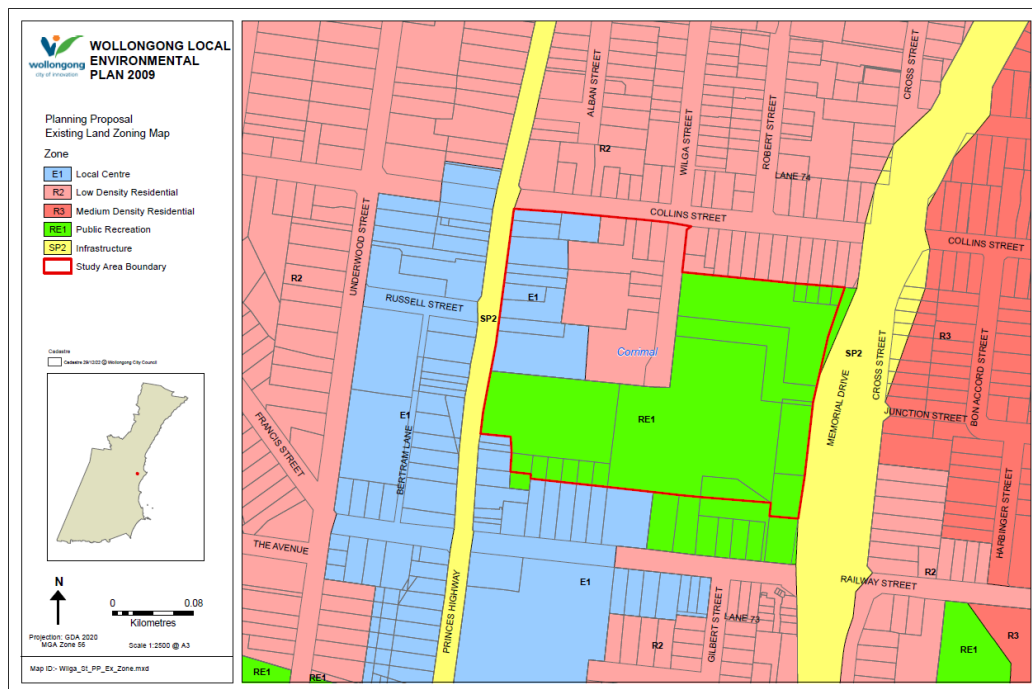


Figure 7: Existing Land Zoning Map

Strategic Justification/Merit

The current extent of the E1 Local Centre zoning across the Wilga Street Block does not allow for an efficient use of land holdings concurrent with the purpose of the Town Centre and the immediate context of the adjacent Public Open Space. Providing for a consistent zoning across the Block, together with active frontage controls, will enable a more flexible approach to redevelopment which activates the public domain whilst still permitting residential development at ground in locations facing existing residential neighbourhoods.

The increase in the E1 Local Centre Zone will result in a corresponding decrease to the R2 Low Density Residential Zone.

Proposed Amendments to the Wollongong LEP 2009

The Land Zoning boundary should be amended as shown in Figure 8: Proposed Land Use Zoning.

It is proposed that six (6) whole lots and two (2) part lots and a section of Wilga Street be rezoned from R2 Low Density Residential to E1 Local Centre, an area of 12,932m².

Suggested Drafting Instructions

Amend the Land Zoning Map to reflect the boundary as shown in Figure 8: Proposed Land Use Zoning below.

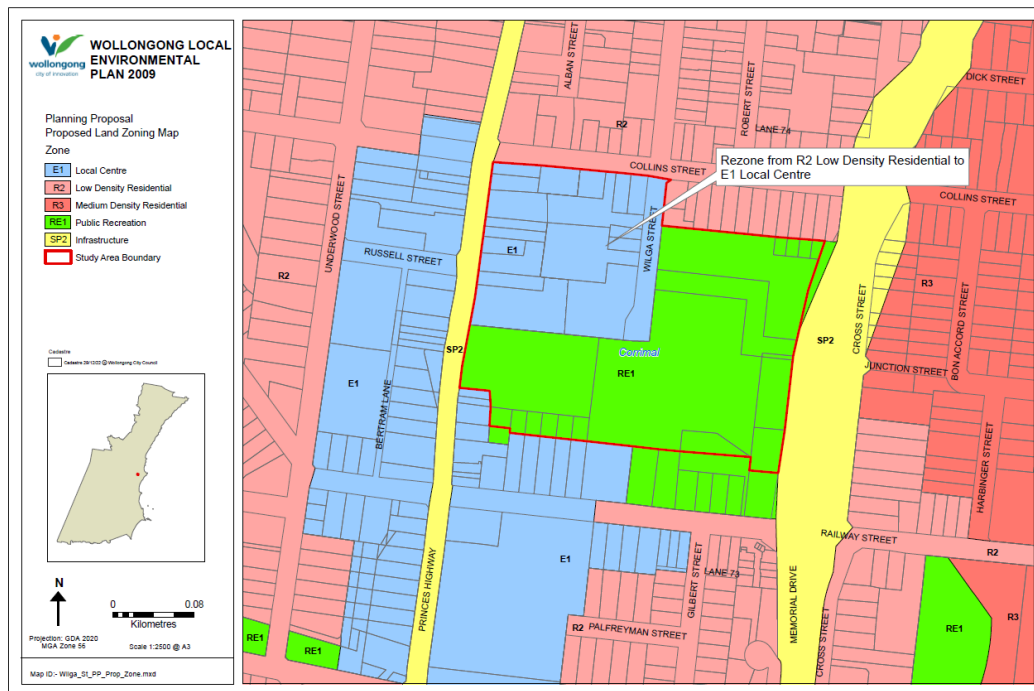


Figure 8: Proposed Land Use Zoning

b Amend the Additional Permitted Uses Map to extend the application of APU 33 in line with the proposed E1 Local Centre Zone,

As part of the NSW State Government Employment Zones reform an Additional Permitted Use was introduced to maintain the permissibility of Residential Flat Buildings and Self-Storage Units on land that was previously zoned B2 Local Centre.

The application of APU 33 currently aligns with the area zoned E1 Local Centre, and therefore part of the Block, as shown in Figure 9

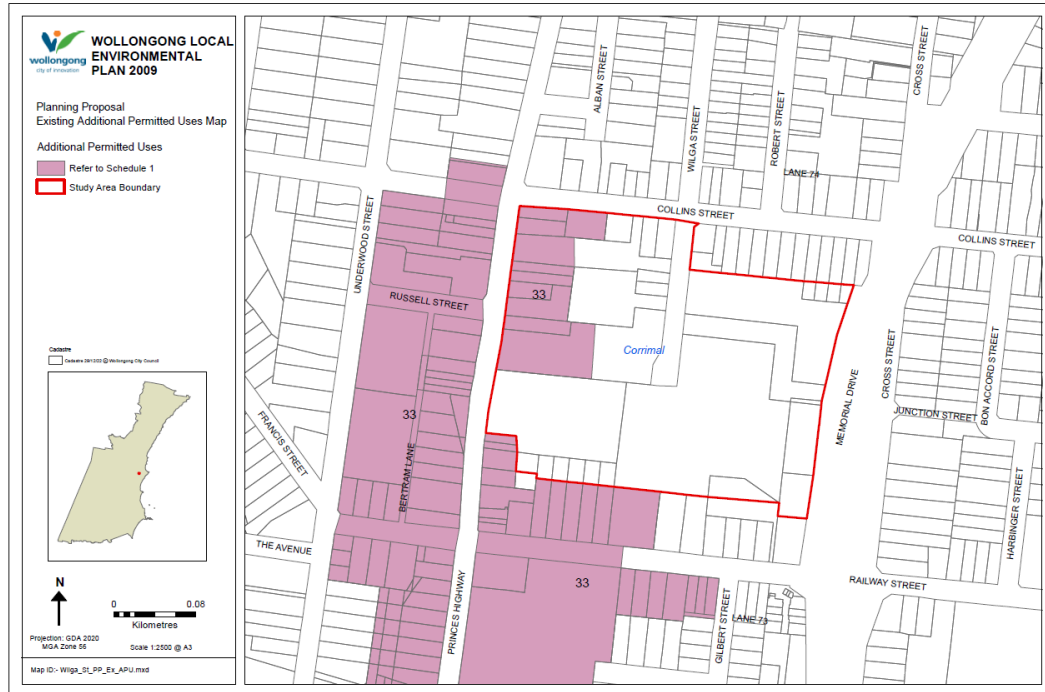


Figure 9: Existing Additional Permitted Uses Map

Strategic Justification/Merit

The extension of APU 33 is considered a consequential and logical amendment in line with the extension of the E1 Local Centre zone, and approach across the Corrimal town centre broadly. APU 33 enables residential flat buildings (RFBs) as permissible with consent and facilitates another housing typology within the Block. The permissibility of RFBs is consistent with the approach considered in the Urban Design Study and draft Block Strategy.

Proposed amendments to the Wollongong LEP 2009

Amend the application of the APU 33 to align with the proposed E1 Local Centre zone, across the Block.

Suggested drafting instructions

Amend the APU map as identified in **Figure 10** below.

No changes are proposed to the wording of APU 33 as contained in Schedule 1 of the Wollongong LEP2009.

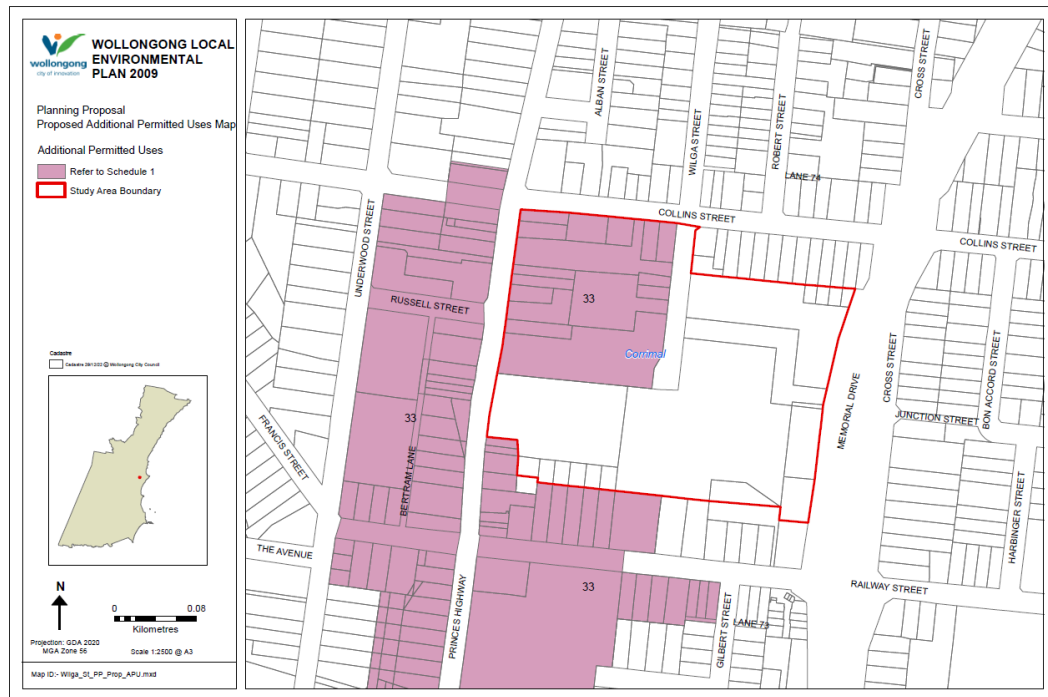


Figure 10: Proposed Additional Permitted Uses Map

c Amend the Minimum Lot Size Map to remove the application of a minimum lot size as it applies to certain land.

Minimum Lot Size provisions controls subdivision density in accordance with the character of the location, site constraints and available services, facilities and infrastructure. The control also ensures that lots are of a sufficient size and shape to accommodate development.

The existing Minimum Lot Size controls applying to the Block are shown in **Figure 11**.

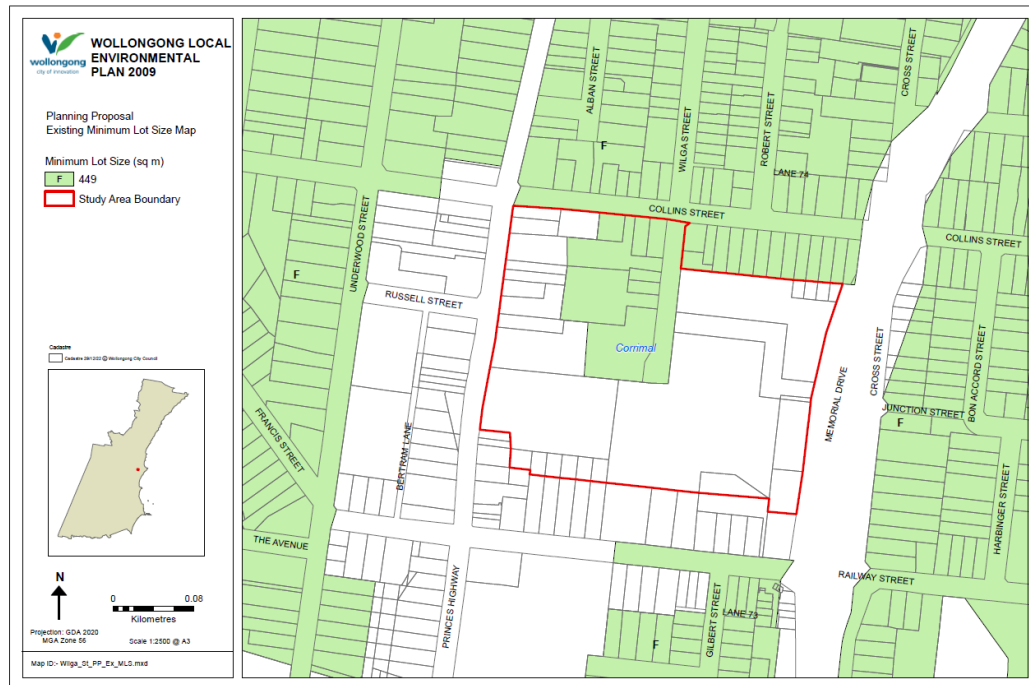


Figure 11: Existing Minimum Lot Size Map

Strategic Justification/Merit

In the Wollongong LEP 2009 Minimum Lot Size controls are not applied to certain zones, including employment zones. With the proposed extension of the E1 Local Centre zoning across the Block the existing Minimum Lot Size control of 449m which applies to the existing R2 zoned land should subsequently be removed.

Proposed amendments to Wollongong LEP 2009

It is proposed that the Minimum Lot Size control be removed from the Block and the adjacent portion of Wilga Street as shown in **Figure 12**

Suggested Drafting

Amend the Minimum Lot Size Map to reflect the boundary as outlined in red in Figure 12: Proposed Minimum Lot Size Map.

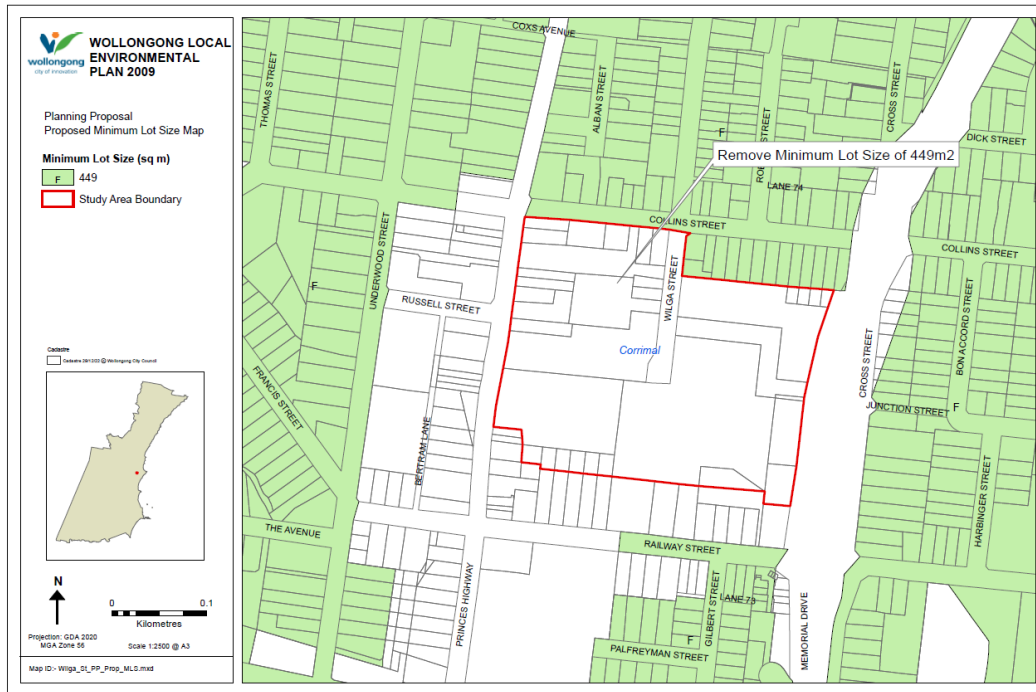


Figure 12: Proposed Minimum Lot Size Map

d Amend Height of Buildings and Floor Space Ratio Maps

Currently, Wollongong LEP 2009 permits heights of buildings (HOB) up to 9m (J) across the Block. In the context of a town centre, where there are commercial uses at ground, this allows for developments of up to two storeys. The existing HOB controls are shown in Figure 13: Existing Height of Building Map.

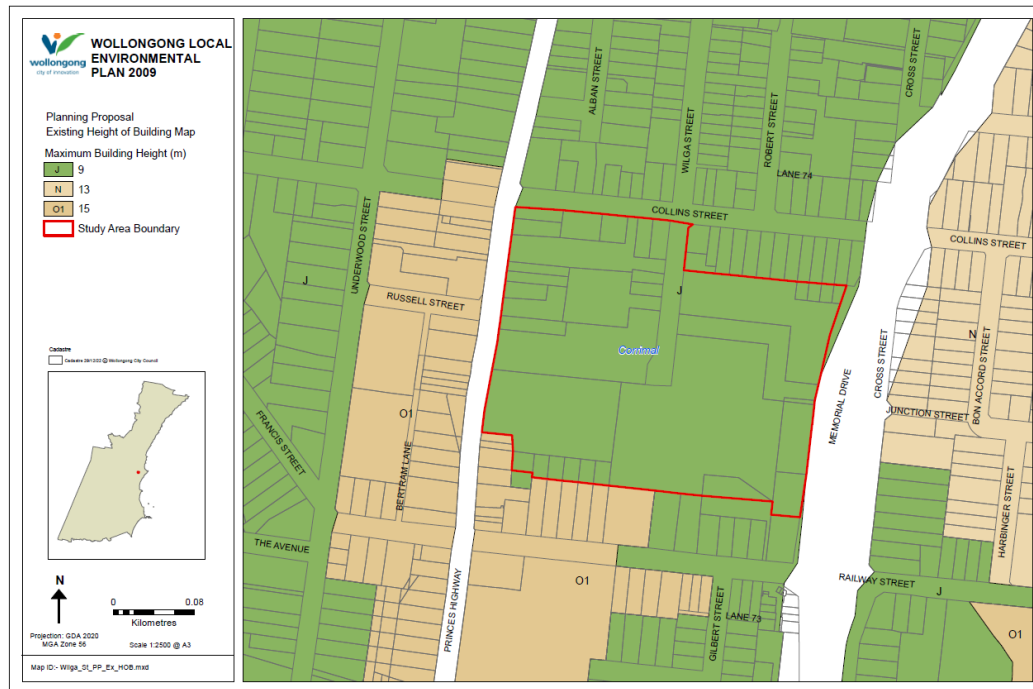


Figure 13: Existing Height of Building Map

In addition to the WLEP2009 HOB controls, the existing planning framework includes floor to ceiling requirements in Wollongong DCP. DCP *Chapter B3 Mixed Use Development* requires that mixed use buildings in Local Centres must have 3.3m floor to ceiling height clearances on the ground and first floors, to maximise flexibility in the future use of buildings. Upper residential levels are required to have a minimum of 2.7m floor to ceiling clearances. In some cases, ground floors in commercial areas will have floor to ceiling heights in excess of 3.3m, to incorporate mechanical requirements relating to commercial kitchens etc. The DCP controls are consistent with the guidance provided in the *Apartment Design Guideline* (4C Ceiling Heights). Structure typically adds 400-500mm to each floor and roof structure at least 1m.

The relationship between height and storeys in a mixed-use setting is illustrated **Table 2** below.

Storeys	Height (m)	Cumulative Total (m)
1	4.5-6	5
2	3.2	8.2
3	3.2	11.4
4	3.2	14.6
5	3.2	17.8
6	3.2	21

Table 2: Relationship between Height and Storeys

The existing HOB controls for the E1 Local Centre zoned land on the Wilga Street Block are inconsistent with the remainder of the Corrimal town centre, which has a HOB control

of 15m. They are instead aligned with the 9m HOB control of the surrounding R2 Low Density Residential Area.

Corrimal is considered a Major Town Centre, and heights are shown in the context of Wollongong's other Centres in **Figure 14**.

The spread of height across the centres is reflective of the Centres hierarchy, with permissible HOB stepping down as you move from Regional City to Major Regional Centre, Major Town Centre, to Town Centre. Corrimal's existing height across the majority of the town centre (15m) is consistent with the hierarchy. The 9m portion on the Wilga Street Block is not. An incentive HOB control of 21m is not considered out of the acceptable height range for a Town Centre.

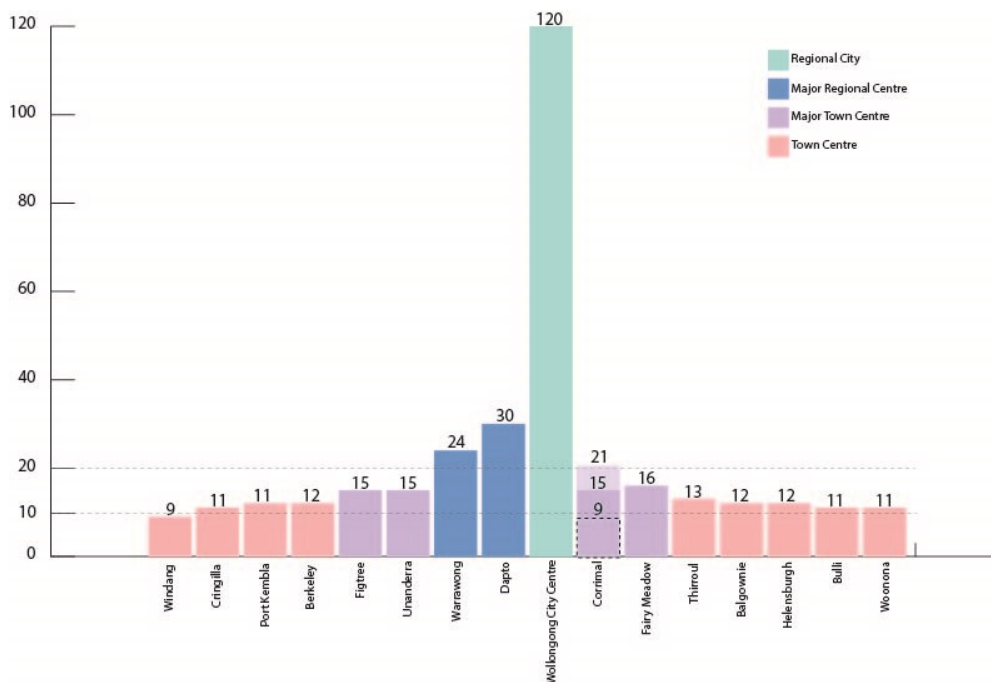


Figure 14: Centre Maximum HOB Controls

The existing Floor Space Ratio controls pertaining to the Wilga Street Block are shown in Figure 15.

The Wollongong LEP 2009 permits Floorspace Ratio (FSR) of up to 1.5:1 for lots zoned E1 Local Centre and 0.5:1 for lots zoned R2 Low Density Residential across the entire Wilga Street Block. The existing FSR controls are shown in **Figure 15** below

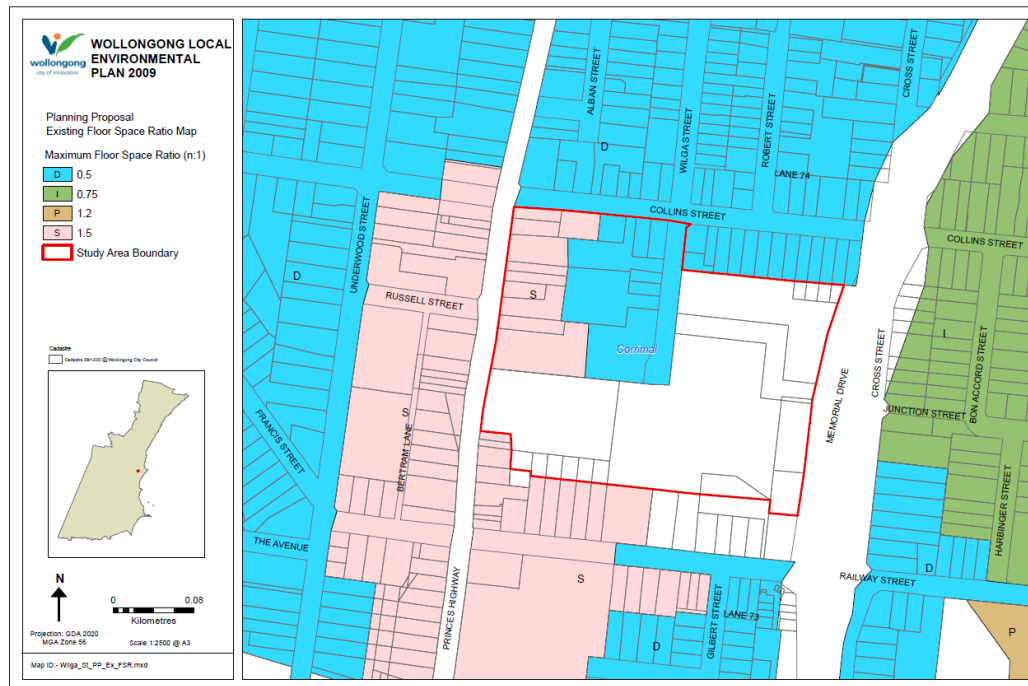


Figure 15: Existing Floor Space Ratio Map

Strategic Justification/Merit

The *Corrimal Town Centre Plan 2015-2025* identified that there was opportunity to consider an increase to height and density on the Wilga Street Block, based on the outcome of further studies.

The *Wilga Street Block Urban Design Study* tested three development scenarios -

- 1 The existing planning framework,
- 2 The 'Town Centre Controls' (15m HOB, 1.5:1 FSR) and;
- 3 A 'design led' scenario (beyond the density of 1 and 2).

A number of principles informed the testing and provided a framework against which to evaluate the different proposed controls. These principles were generated through Urban Design Analysis.

- Limit overshadowing to Memorial Park.
- Frame key public views and maintain key view lines to the escarpment, creek and park.
- Manage built form transitions at edges to fit in with surrounding context.
- Establish a planning framework that supports appropriate investment in and revitalisation of the Block.

The following diagrams illustrate these principles and inform the basis of the proposed building envelope controls. These are derived from site specific appreciation of the local context, key development constraints, as well as best practice urban design outcomes.

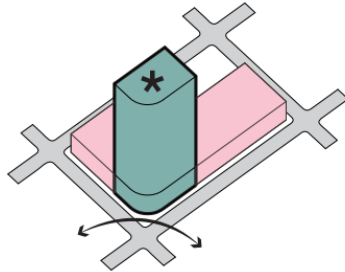


Figure 16: Use buildings to define the Centre

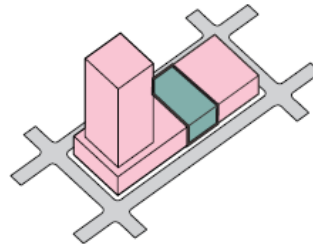


Figure 17: Allow flexibility to development

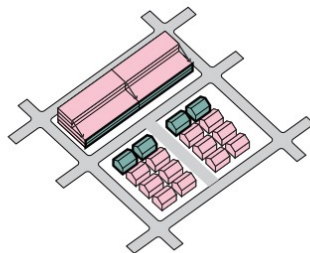


Figure 18: Transition form to surrounding context

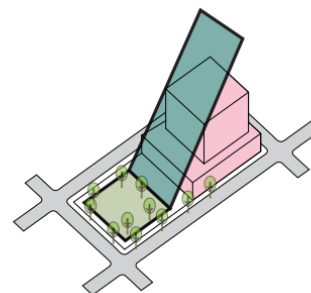


Figure 19: Protect sunlight to the Park

The importance of these principles to the community was reinforced through the *Wilga Street Block Community Survey*. The Our Wollongong webpage received 1,350 visits by 1,138 unique visitors. 421 documents were downloaded including 285 of the Corrimal Town Centre Plan and 135 of the draft Urban Design Study. 53 survey responses were received and 21 submissions (17 letters and four (4) emails).

Combining the results from the online surveys, feedback forms, emails and letters, the community told us the following were very important –

- Mid-block connections.
- Retaining views of the escarpment and Brokers Nose.
- Comfortable places to sit and meet with others.
- Protection of sunlight to Memorial Park.

There were mixed views on allowing new buildings to be above that of the surrounding town centre controls, up to nine storeys, on the Wilga Street Block. One third of respondents said increased height was very important and two thirds said it was not important, with a preference for the Town Centre Controls to be applied to the Block.

A comparison of the feedback received is included in Table 3: Survey and Submission feedback

Statements	Very Important		Slightly Important		Not Important	
	Survey	Submiss.	Survey	Submiss.	Survey	Submiss.
The playground and sportsgrounds are not overshadowed by building on the Block	42	2	6	-	5	-
Buildings open onto the park, offering surveillance and activity	32	1	18	-	3	-
View of the Escarpment and Brokers Nose from the Park and Sportsground are retained	40	5	9	2	4	1
The uses around and within the Block are linked by pedestrian connections making it easy and safe to walk around and through	45	3	7	-	1	-
There are comfortable places to sit and meet with others	40	5	9	-	4	-
The character of the main street (Princes Highway) is enhanced	40	1	9	-	4	-
There are a range of different shops, places to eat and services available	41	8	9	-	3	-
There are more people living on the block in a mix of townhouses and apartments	10	7	15	-	28	-
New buildings are as tall as they are in the rest of the Town Centre (up to 4 storeys)	33	2	9	-	11	
New buildings are taller than the rest of the Town Centre (up to 9 storeys)	9	16	5	-	39	1

Table 3: Survey and Submission feedback

Existing Controls

The *Study* found that the current LEP controls on the Wilga Street Block have led to the low-density condition that currently exists, which has seen minimal redevelopment over the past 30 years. Existing developments sit at or below the level of development that is currently permissible.

Despite the current low scale, the height and form of current development, which has been constructed without set back or street wall controls, partially overshadows Luke's Place Playground, and the northern edge of the Memorial Park Outer Field. Pedestrian connectivity through the block is also limited by the operational hours of certain businesses, and the street and park facing presentation of the buildings is generally poor and does not take advantage of its position.

Under current controls and without amalgamation, there is no incentive for development to occur or revitalisation to take place. The available 'uplift' in yield is minor or for some properties it is reduced. Feasibility analysis completed by specialist consultants, SGS Economics and Planning, determined that existing LEP controls would be unlikely to lead to renewal in the foreseeable future.

The existing planning controls are limiting the ability for the site to be redeveloped and current arrangement and presentation of buildings contributes to a low amenity outcome for users. For this reason, new planning controls are important to enable the revitalisation of this key site within the Corrimal Town Centre.

Town Centre Controls and Design Led Controls

Both the Town Centre and Design Led controls were tested on two different site layouts. In Figure 20 below, the 'A' options include the Town Centre Controls (15m HOB, and 1.5:1 FSR) and the 'B' options include the 'design led' controls (a range of heights up to 27m/9 storeys and FSRs up to 2.26:1).

The Option numbers refer to the layout configuration. Layout 1 proposed minimal amalgamation whereas Layout 2 proposed more significant amalgamation and was subsequently able to incorporate additional public benefits including larger setbacks and more through site pedestrian links.

When assessed against detailed design principles, the Layout 2 options scored significantly higher than Layout 1. Across both layouts, the different height and FSR controls did not result in a different overall score, though differences in performance against individual principles was apparent.

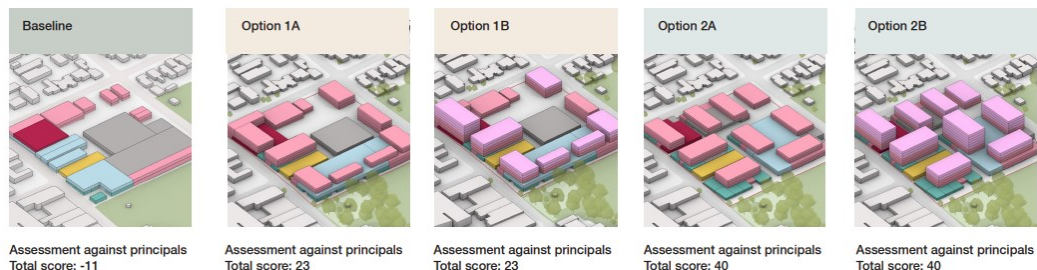


Figure 20: Assessment of Options Against Design Principles

A difference was revealed in the feasibility testing, which rated both B options higher. This was largely due to the quantum of residential development possible under controls with increased height and FSR controls and the subsequent viability this facilitates.

Public parking offer	4	Public parking offer	4	Public parking offer	4	Public parking offer	4	Public parking offer	4
Amalgamation complexity	5	Amalgamation complexity	4	Amalgamation complexity	4	Amalgamation complexity	1	Amalgamation complexity	1
Quantum of specialty retail	1	Quantum of specialty retail	3	Quantum of specialty retail	3	Quantum of specialty retail	5	Quantum of specialty retail	5
Quantum of residential	1	Quantum of residential	2	Quantum of residential	4	Quantum of residential	2	Quantum of residential	5
Economic viability	1	Economic viability	2	Economic viability	4	Economic viability	1	Economic viability	4
Total	12	Total	15	Total	19	Total	13	Total	19

Figure 21: Development Feasibility

The chances of any renewal occurring within the Block are increased when the development yield is higher. Higher FSR and building heights will enable greater change within the precinct to occur.

When the outcomes of the two tests above are combined, the option with the highest score against both the design principles and the feasibility considerations is Option 2B, which involves some height and FSR controls which exceed those in the existing Corrimal Town Centre and more significant lot amalgamation than what is shown in Option 1A and 1B.

Summary

The aim of this planning proposal and the accompanying DCP controls is to facilitate and ensure that the proposed planning controls provide a flexible framework that balances the interests of the public, enables increased housing diversity, includes the protection of key values, and the need to catalyse renewal.

SJB tested a range of layout and density options. This testing demonstrated that a built form outcome in excess of current controls can perform well against the objectives for the Block. It is important to note that the built form responses demonstrated were only able to perform in this way due to specific arrangements of built form, and required significant setbacks made possible by significant site consolidation and does not represent all possible development scenarios or design solutions for the Block.

The Community Survey responses and submissions received demonstrated that there is a wide range of views within the community relating to increasing height and density on the block. There is community support for the Block to have the same height controls as the rest of the Town Centre (15m HOB) as long as solar access, views, and pedestrian permeability are maintained and enhanced. There was also some support for increasing heights beyond the Town Centre Heights.

The planning proposal seeks an FSR and HOB consistent with the surrounding Town Centre, and other Major Town Centres in Wollongong LGA. This approach balances a range of factors including feasibility, reinforcing the centres hierarchy, delivery of development uplift and additional housing, the urban context and community feedback.

In acknowledgement of the positive outcomes of SJB's testing of the design led scenario, and in order to incentivise lot consolidation and the provision of affordable housing, a special provision to allow for higher heights and densities on certain land within the Block is also proposed. The mechanism to facilitate this approach is described in section 2.2 (f).

Proposed amendments to Wollongong LEP 2009

It is proposed to amend the Height of Building and FSR controls across the Block to 15m to permit a 4-storey built form outcome.

Suggested drafting Instructions

Amend the Height of Buildings Map to reflect Figure 22. Amend the Floor Space Ratio Map to reflect Figure 23.

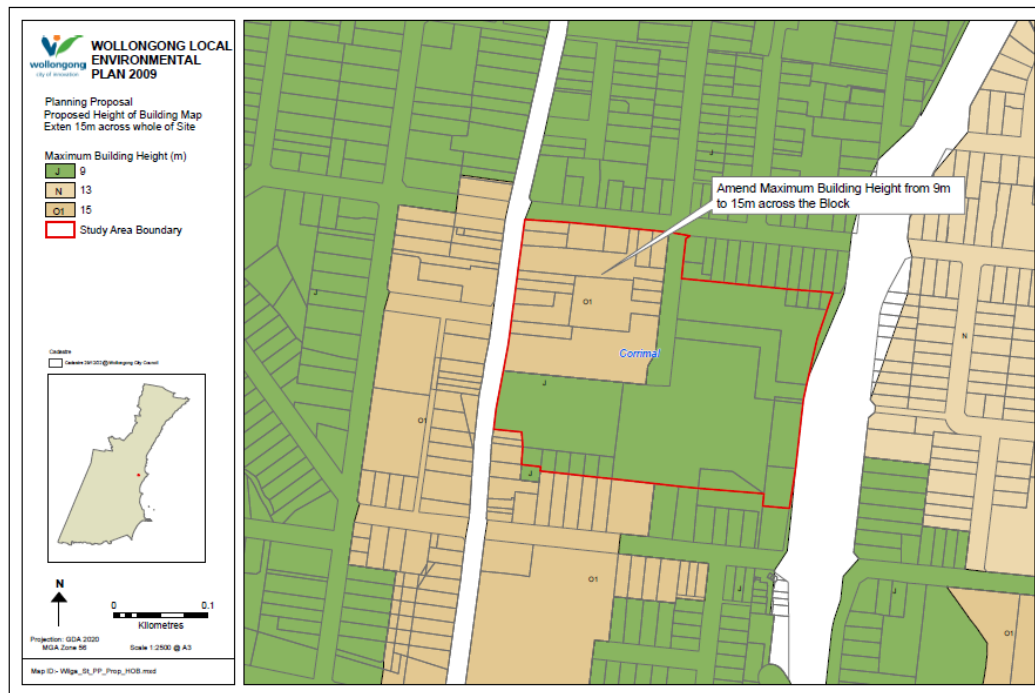


Figure 22: Proposed Height of Building Map

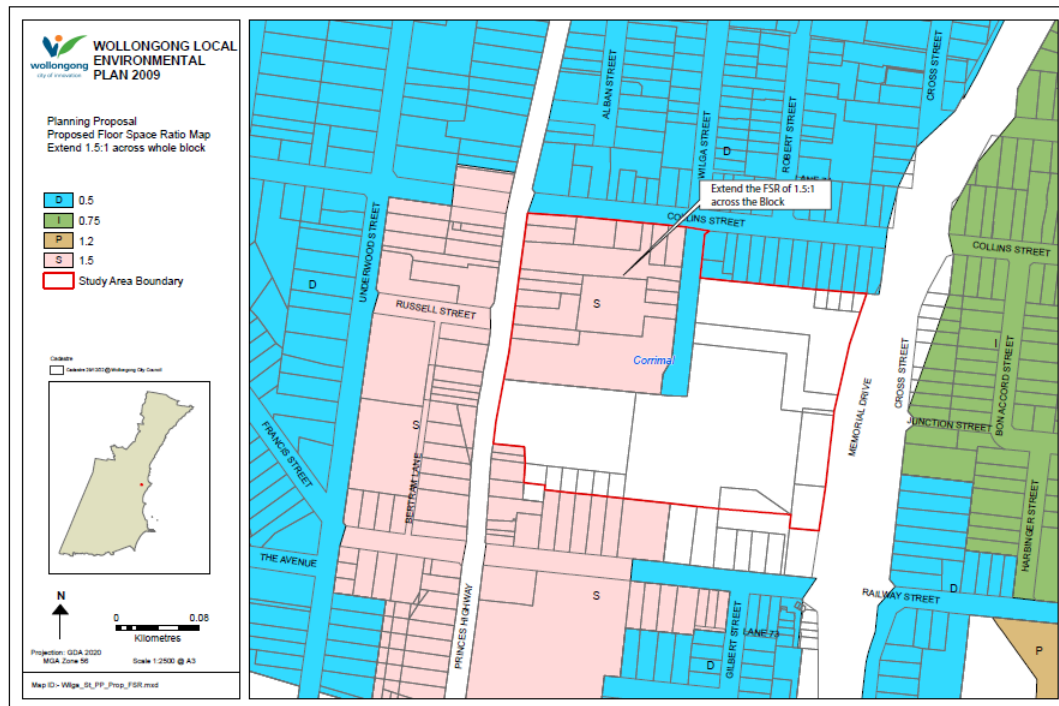


Figure 23: Proposed Floor Space Ratio map

e Amend cl 7.19 Active Street Frontage and accompanying maps to include reference to public open space and apply to defined land.

Clause 7.13 *Certain land within business zones* in WLEP2009 requires development within the Zone E1 Local Centre, Zone E2 Commercial Centre, or Zone MU1 Mixed Use to provide a non-residential ground floor use, to encourage the presence and movement of people (i.e., the clause effectively prohibits residential development unless non-residential active uses are provided at the ground floor). Clause 7.13 does not apply to land to which clause 7.19 applies.

Clause 7.19 *Active Street frontages* was introduced in 2018 and is an alternate method for encouraging and controlling active frontages. The clause is linked to the Active Street Frontages Map, which shows the location of required active street frontages. Clause 7.19 allows for active frontages to be purposefully and specifically applied to interfaces where activity in the form of non-residential uses, allow interaction with users of the street. Where the Land Use Table permits, this provides for a more nuanced approach to the distribution of ground floor uses in employment zones. For example, it gives a landowner the option to develop the portion of their land not mapped with an active street frontage control (i.e., the rear of a lot, or a lot facing a side street) for residential uses at ground. In many cases, this offers better passive surveillance than forcing a commercial outcome in areas where there is not the foot traffic to sustain the use.

The current Clause 7.19 *Active Street frontages*, in both its title and throughout the clause, only applies to 'street' frontages. This does not anticipate the need to activate frontages to other kinds of public domain, including Parks.

Strategic Justification/Merit

The objective of this amendment is to broaden the application of Clause 7.19 *Active Street frontages* to apply to public open space and to focus active uses on key frontages of the Wilga Street Block and allow the full application of the land uses permitted under the land use table (including Residential Flat Buildings through an APU) in areas that are not mapped.

Proposed amendments to Wollongong LEP 2009

It is proposed that Clause 7.19 *Active Street frontages*, be amended to include reference to public open space, see suggested drafting below.

It is proposed that the Active Street frontage Map title for existing and proposed maps be renamed to 'Active Frontage Map'.

It is proposed that the Active frontages Map be amended to include the extent of frontages shown in Figure 24.

Suggested Drafting – Clause 7.19 Active street frontage

Amend Clause 7.19 by adding text in **bold red italics** and deleting text in ~~red and struck out~~ as follows:

7.19 Active ~~street~~ frontages

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor ~~street~~ frontages in the following zones—
 - (a) Zone E1 Local Centre,
 - (b) Zone E2 Commercial Centre,
 - (c) Zone MU1 Mixed Use
 - (d) (Repealed)
- (2) This clause applies to land identified as “Active ~~street~~ frontages” on the Active ~~Street~~ Frontages Map.
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active ~~street~~ frontage after its erection or change of use.
- (4) Despite subclause (3), an active ~~street~~ frontage is not required for any part of a building that is used for any of the following—
 - (a) entrances and lobbies (including as part of mixed use development),
 - (b) access for fire services,
 - (c) vehicular access **and loading dock.**
- (5) For the purposes of this clause, a building has an **active ~~street~~ frontage** if—
 - (a) all premises on the ground floor of the building facing the street **or public open space** are used for the purposes of business premises or retail premises, and
 - (b) its ~~street~~ frontage enables direct visual and physical contact between the street **or public open space** and the interior of the building.

Note—

Elements of a building façade that contribute to an active frontage can include, clearly defined entrances, windows, awnings and shop fronts—~~are elements of a building facade that contribute to an active frontage.~~

Clarification on the interaction between clause 7.13 and clause 7.19 of the Wollongong LEP is required. It is intended that clause 7.13 will not apply to land within the Wilga Street Block (as active frontages have been applied via clause 7.19) but will continue to apply to the relevant land within Corrimal Town Centre. Mechanism and final word subject to PCO.

Suggested drafting - mapping

Amend the Active Frontage Map to reflect the boundary and amended title as outlined below in Figure 24

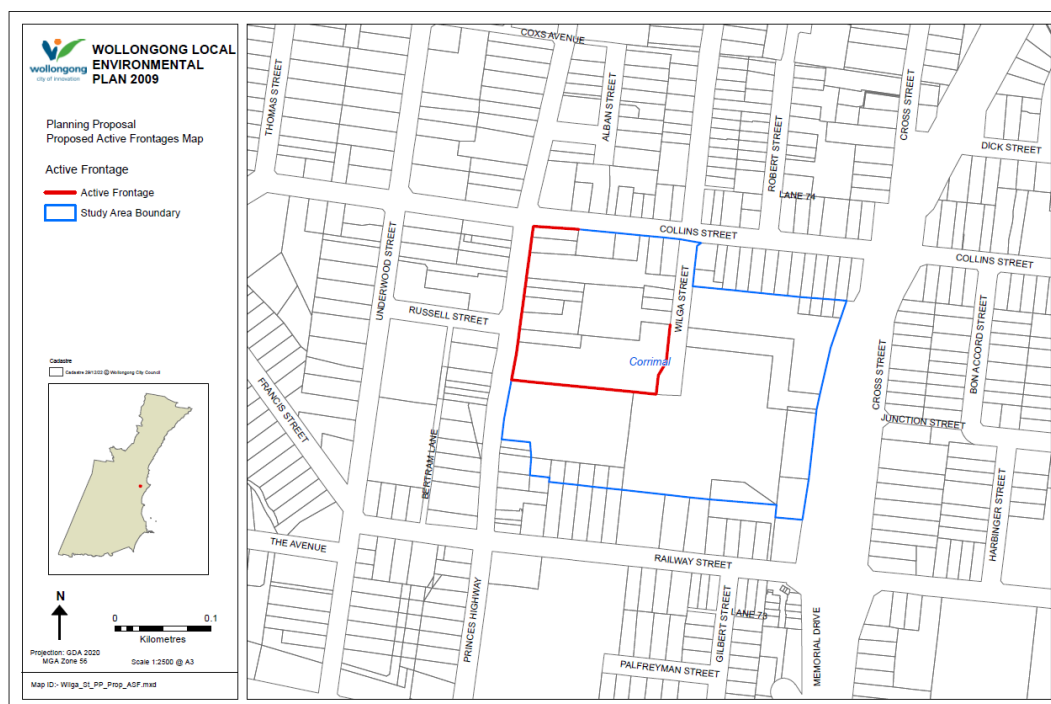


Figure 24: Proposed Active Frontages Map

f Introduce a new local provision under Part 7 Local Provisions – General and associated mapping to facilitate alternative height and floor space ratio provisions in certain circumstances, on defined land.

The combination of the existing floorspace ratio and height controls has led to a lack of renewal and revitalisation on the block. This planning proposal recommends an extension of the E1 Local Centre Zone as well as an increase to the Height and FSR controls across the Block, to make them consistent with the surrounding town centre. In addition, and in line with the findings of the Urban Design Study, this Proposal recommends that certain land within the Block could be built to an increased height and floorspace if consolidated with other lots. Public benefit associated with this increased development capacity would be delivered through affordable housing.

Strategic Justification/Merit

Further to the justification provided under 2.2 (d) *Amend Height of Building and Floor Space Ratio Maps* the Urban Design Study has found that the current planning framework and lot configuration delivers a poor urban outcome. Without amalgamation or increased density, there is minimal incentive for development to occur and revitalisation to take place and for public benefit to be captured.

The *draft Planning Strategy* aims to ensure that the revitalisation of the Block provides public benefit and best practice-built form outcomes.

It is proposed to introduce an alternative Height and FSR clause to encourage lot consolidation and to facilitate improved public benefit in the form of Affordable Housing. **The bonus FSR and** height would apply to a 'Special Area' within the Block where increased capacity is appropriate.

The proposed alternative height and FSR controls accessed through the Special Area are developed from the analysis and modelling scenarios in the draft Urban Design Study. They have been designed to concentrate height at the north-western corner and through the centre of the block in order to -

- Facilitate a landmark as you enter the Town Centre from the north.
- Distribute height away from Memorial Park, preserving solar access.
- Create a step down towards adjacent residential areas and the Princes Highway, and to Memorial Park.

A maximum height of 21m has been proposed to allow up to a 6-storey outcome. This is appropriate for a Major Town Centre and provides for additional capacity for residential development in line with the Wollongong Housing Strategy encouraging increased residential density within a precinct that offers high amenity and access to key services. An increased FSR of 2:1 is proposed to correspond to the increased height limit.

To access this alternative height and FSR, logical lot consolidation will be required. Existing lots with an area of 5,000m² or greater are not subject to the consolidation requirements. Lot consolidation is encouraged to provide more flexibility for floorplates, consolidate vehicle access, improve street frontages and to introduce internal permeability to the block. The draft DCP amendment includes **preferred** lot consolidation diagrams to be linked to the Special Area clause as provided in **Figure 25** below.

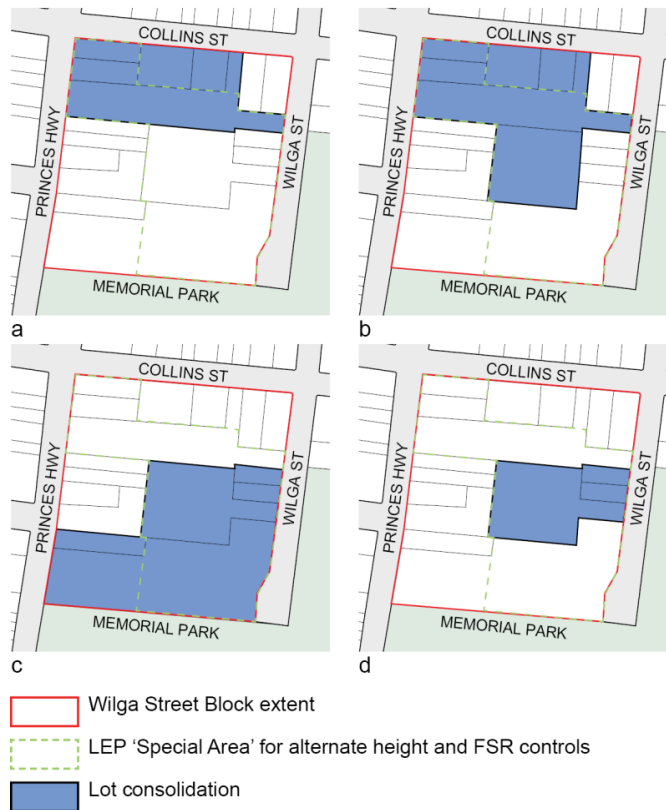


Figure 25: Lot consolidation Diagrams - Draft DCP Control

[editorial note: previous image replaced with current version]

To access alternative Height and FSR, a contribution to Affordable Housing will need to be provided. The Draft Planning Strategy seeks to deliver a “A place for all - A high-quality town centre supported by accessible, diverse and attractive offerings”. The analysis has found that the current planning framework is compromising the ability for increased diversity and density of housing and limiting activation of the Block. This objective aims to ensure that the planning framework supports a diverse residential population with a form and offer that celebrates its site-specific qualities and is safe and welcoming to all. Because these areas are receiving an uplift largely for the purposes of market residential housing, an affordable housing contribution will be applied to these sites.

The adopted Wollongong Housing Strategy seeks to address overall housing supply and demand, as well as examining various housing sectors that need support, including the homeless, social housing, affordable housing and accessible or supportive housing. The Strategy identifies that more Affordable Housing needs to be provided across the Wollongong LGA.

Proposed amendments to Wollongong LEP 2009

Map part of the Wilga Street Block as a Special Provisions Area. This Special Area will apply to Lot 2 DP 164022, Lot 1 DP 206297, Lot 1 DP 20629, Lot 5 DP 37769, Lot 100 DP 1090992, Lot 2 DP 617913, Lot 3 DP 617913 and part of and Lot 500 DP 1003704 as per Figure 26

Introduce a new Clause under 'Part 7 Local Provisions – general' of the WLEP2009 for 'Wilga Street Block Corrimal Special Area'. This clause will apply to land identified as 'Wilga Street Block Corrimal' on the Special Map.

This new Clause will outline the lot and Affordable housing requirements to access the bonus provisions of 21m height and FSR controls of up to 2:1, including.

- Logical lot consolidation. If an existing lot is 5,000m² or greater, lot consolidation is not required.
- Requiring Affordable Housing delivery or a contribution to be captured at a rate specified as guided by the proposed provision with the WLEP2009, see (g) below.

Note that overshadowing controls, protecting sunlight to Luke's Place Playground, Memorial Main Ground, Memorial Outside Ground and Wilga Street Tennis Courts are proposed as non-discretionary controls.

Development Consent must not be granted under this Clause for sites that do not meet the lot requirements and contribute to Affordable Housing. For those sites, and sites outside the defined Special Area, the proposed Height of Buildings of up to 15m and Floor Space Ratio of 1.5:1 will apply. Lot consolidation is suggested to be in line with **Error! Reference source not found.**²⁵.

Suggested Drafting Instructions

Introduce part of the Wilga Street Block as a Special Provisions Area and Map to reflect Figure 26

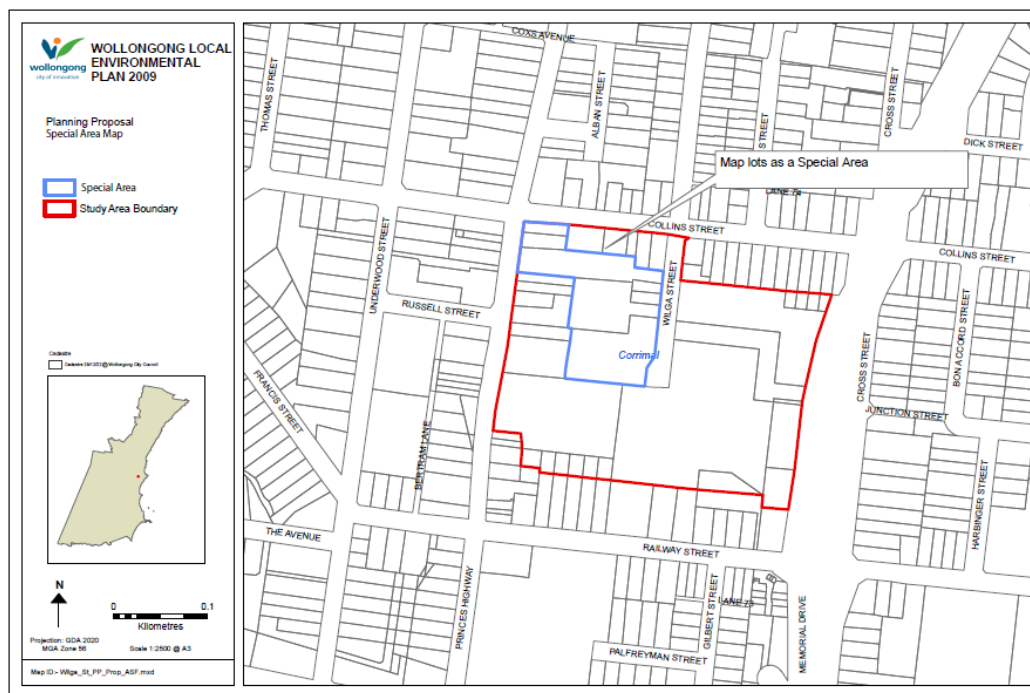


Figure 26: Proposed Special Area Map

The approach and mechanisms to alternative Height and FSR provisions are to be explored further in consultation with Department of Planning & Environment to ensure an appropriate outcome, alternative approaches may be suggested as part of the **finalisation process**.

g Introduce new provisions to levy contributions for affordable housing on defined sites.

The *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) provides the mechanism for Wollongong City Council to develop an affordable housing contributions scheme and levy developer contributions for affordable housing, which includes affordable rental housing.

Currently there are no provisions that require contributions towards affordable housing in WLEP2009.

Strategic Justification/Merit

The *Environmental Planning & Assessment Act 1979* requires that any affordable housing condition imposed on development consent must be authorised by an LEP and must be in accordance with an Affordable Housing Contribution Scheme (AHCS).

It is intended that controls for affordable housing contributions will align with the following objectives -

- Affordable rental housing is to be provided and managed so that a socially diverse residential population, representative of all income groups, is maintained.
- Affordable rental housing that is provided is to be made available to a mix of households on very low to moderate incomes.
- Affordable rental housing that is provided is to be rented to very low to moderate income households at no more than 30% of gross household income.

- Dwellings provided for affordable rental housing are to be managed to maintain the continued use for affordable rental housing.
- Affordable rental housing is to consist of dwellings constructed to a standard which is consistent with other dwellings in the LGA.

The next step in the process is for the Council to prepare an AHCS. As required by the guideline, it is proposed to amend WLEP2009 to reference the AHCS for dedications or contributions set out in, or adopted by, WLEP2009.

The *Guideline for Developing an Affordable Housing Contribution Scheme* (the Guideline) (released by the Department of Planning & Environment in 2019 and still current under the Housing SEPP) outlines five (5) required steps in the development of an AHCS and amending the LEP. Wollongong Council has completed steps 1 to 3 as part of the Housing Strategy -

Step	Task	Status
1	Investigating the affordable housing need in their LGAs	Complete
2	Identify the areas to which an affordable housing contribution scheme will apply	Complete
3	Determine a viable affordable housing contribution rate	Complete
4	Prepare affordable housing contribution policy and scheme	In progress
5	Amend their LEPs through the planning proposal process to reference their affordable housing contribution schemes.	Future action

The Wollongong Housing Strategy seeks to address overall housing supply and demand, as well as examining various housing sectors that need support, including the homeless, social housing, affordable housing and accessible or supportive housing. The Strategy identifies that more Affordable Housing needs to be provided across the Wollongong LGA and puts forward the following strategies relevant to this planning proposal -

Housing Strategy Reference	Action
ARH4	<i>As part of submitted Planning Proposals requests seeking to permit residential development or increase the residential density, a minimum of 5% of the Gross Floor Area of proposed residential developments will be required to be provided as Affordable Rental Housing. A Financial Feasibility study will be required to accompany the draft Planning Proposal to determine the appropriate development contribution based on the uplift value being sought. Developers may choose to pay the equivalent value which will be collected and transferred to a not-for-profit Tier 1 or Tier 2 Community Housing Provider for the provision of affordable housing (mechanism to be determined). This will also apply to the West Dapto Urban Release Area where draft Planning Proposals propose residential development in a medium density zone or with a minimum lot size less than 300m2 is proposed. Excludes Planning Proposals from NSW Land and Housing Commission for social housing</i>

Housing Strategy Reference	Action
ARH5	<i>An Affordable Housing Development Contribution Scheme will be introduced and the Wollongong LEP 2009 amended, for precincts proposed to be rezoned to permit increase the residential density or significant residential development, a minimum of 5% of the Gross Floor Area of proposed residential developments will be required to be provided as Affordable Rental Housing. Developers may choose to pay the equivalent value which will be collected and transferred to a not-for-profit Tier 1 or Tier 2 Community Housing Provider for the provision of affordable housing. This will also apply to the West Dapto Urban Release Area where draft Planning Proposals propose residential development in a medium density zone or with a minimum lot size less than 300m² is proposed</i>
ARH6	<i>As part of the proposed Affordable Housing Development Contribution Scheme, commencing in 3 years (1/1/2026), residential developments containing more than 20 dwellings will be required to have a minimum of 3% Floor Space as Affordable Rental dwellings to be managed by a Tier 1 or Tier 2 Community Housing provider, or equivalent funding provided. The size of the dwellings is to be proportional to the overall dwelling mix in the development. The percentage rate will increase by 1% each year (on 1 January) to be 10% on 1/1/2033. The scheme will not apply to dwellings provided under SH1, ARH4 and ARH5.</i>

Proposed amendments to Wollongong LEP 2009

It is proposed that WLEP2009 includes provisions that will require an affordable housing contribution rate that aligns with NSW Government requirements. The inclusion of this provision will enable Affordable Housing contributions to be captured on defined sites such as the Wilga Street Block as a requirement of the proposed Special Area.

Suggested Drafting

Final drafting and mechanism to be determined in consultation with the Department of Planning & Environment.

h Amend cl7.18 Design Excellences in Wollongong City Centre and at key sites to include additional considerations including reference to the Overshadowing Map set

Wollongong LEP 2009 includes provisions to improve the design quality of significant developments in Wollongong LGA. Development consent currently cannot be granted to any development in the Wollongong City Centre and on key sites unless design excellence is exhibited in accordance with Clause 7.18 Design excellence in Wollongong City Centre and at key sites. This clause requires Council in their assessment to have regard to a range of criteria. Clause 7.18(5) also requires that that a design review panel reviews the design of development above 35 metres, on key sites (when CIV is over \$1M) or at an applicant's request.

Strategic Justification/Merit

The criteria referenced in cl7.18 is broad, however currently lacks sufficient reference to landscape design, ground floor interfaces and the Overshadowing controls present in the Wollongong LEP 2009.

Proposed amendments to Wollongong LEP 2009

It is proposed to update design excellence provisions in WLEP2009 to include references to street interfaces, landscape design and the Overshadowing Clause

Suggested Drafting Instructions

Amend Clause 7.18 Design excellence in Wollongong City Centre and at key sites, by adding text in ***bold red italics*** and delete text in ~~striketrough~~ as follows -

7.18 Design excellence in Wollongong City Centre and at key sites

- (1) The objective of this clause is to deliver the highest standard of architectural, ~~and urban,~~ ***and landscape design.***
- (2) This clause applies to development on any of the following land involving the construction of a new building or external alterations to an existing building:
 - (a) land within the Wollongong City Centre,
 - (b) land shown edged heavy black and distinctively coloured on the Key Sites Map (a *key site*).
- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence
- (4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the proposed development detrimentally impacts on view corridors,
 - (d) whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map, ***or the Overshadowing Map.***
- (e) how the proposed development addresses the following matters:
 - (i) the suitability of the ~~land site~~ for ***the*** development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

- (viii) the achievement of the principles of ecologically sustainable development,
- (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
- (x) impact on, and any proposed improvements to, the public domain,
- (xi) achieving appropriate interfaces at ground level between the building and the public domain,*
- (xii) excellence and integration of landscape design.*

(5) Development consent must not be granted to the following development to which this clause applies unless a design review panel has reviewed the design of the proposed development:

- (a) development in respect of a building that is, or will be, greater than 35 metres in height,
- (b) development having a capital value of more than \$1,000,000 on a key site,
- (c) development for which the applicant has chosen to have such a review.

(6) In this clause:

design review panel means a panel of 2 or more persons established by the consent authority for the purposes of this clause.

i Amend the Key Sites Map to include additional sites.

The Key Sites Map provides the spatial link to Clause 7.18 Design Excellence in Wollongong city centre and at key sites. The Key Sites Map does not currently identify the Wilga Street Block.

The Key Sites Map applying to the Corrimal area is shown in Figure 27.

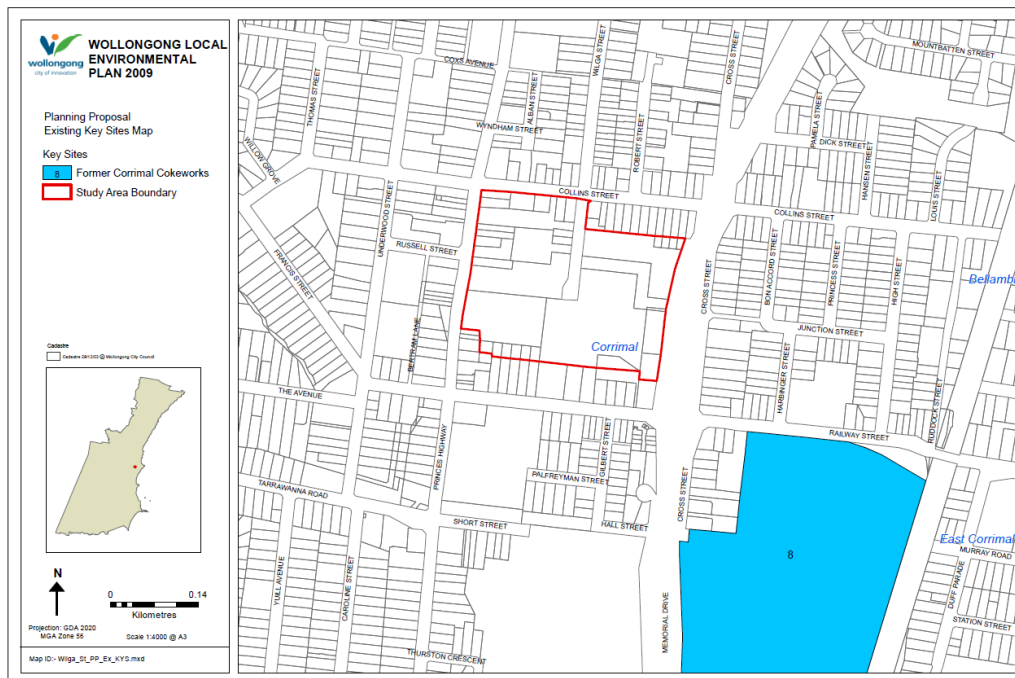


Figure 27: Existing Key Sites Map

Strategic Justification/Merit

A key opportunity identified in the Wilga Street Urban Design Study was to create well resolved and improved design outcome for Corrimal. This is particularly important due to the interface with the recreation spaces, the need to create permeability and consolidating the fragmented lot configurations. These outcomes can be facilitated through a strong commitment to design excellence and a robust assessment process.

Proposed amendments to Wollongong LEP 2009

It is proposed to include the Wilga Street Block as a Key Site in the Wollongong LEP 2009.

Suggested Drafting Instructions

Update the Key Sites Map in WLEP2009 to include proposed Key Sites as shown in **Figure 28**.

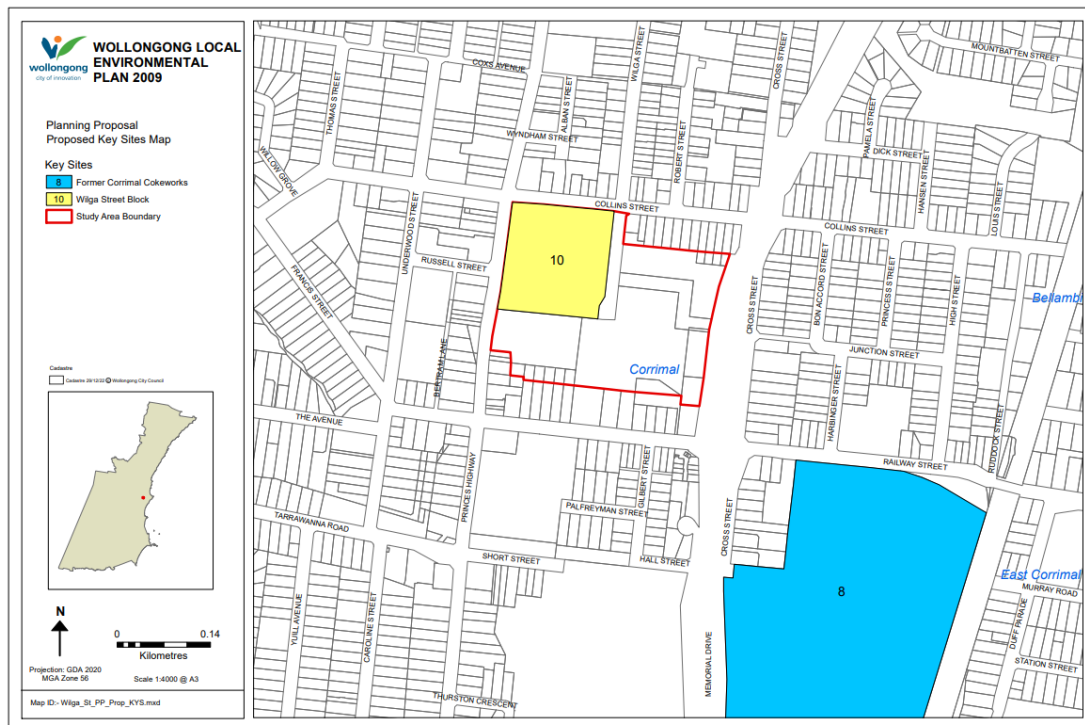


Figure 28: Proposed Key Sites Map

j Introduce a new local provision under Part 7 Local Provisions – General to protect solar access to Memorial Park including the sports grounds and Luke’s Place Playground.

Clause 7.20 *Overshadowing of Heritage Plaza, Central Park and Southern Park* of the Wollongong LEP 2009 protects a number of specified public open spaces from detrimental overshadowing by specifying dates and times when the open spaces cannot be overshadowed. Development to which this clause applies is prohibited if it results in a building which would overshadow the open spaces at the specified dates and times set out in the clause. Currently this clause protects open spaces within the Former Corrimal Coke

Works from overshadowing. The protected sites are identified on the Overshadowing Map, shown in Figure 29.

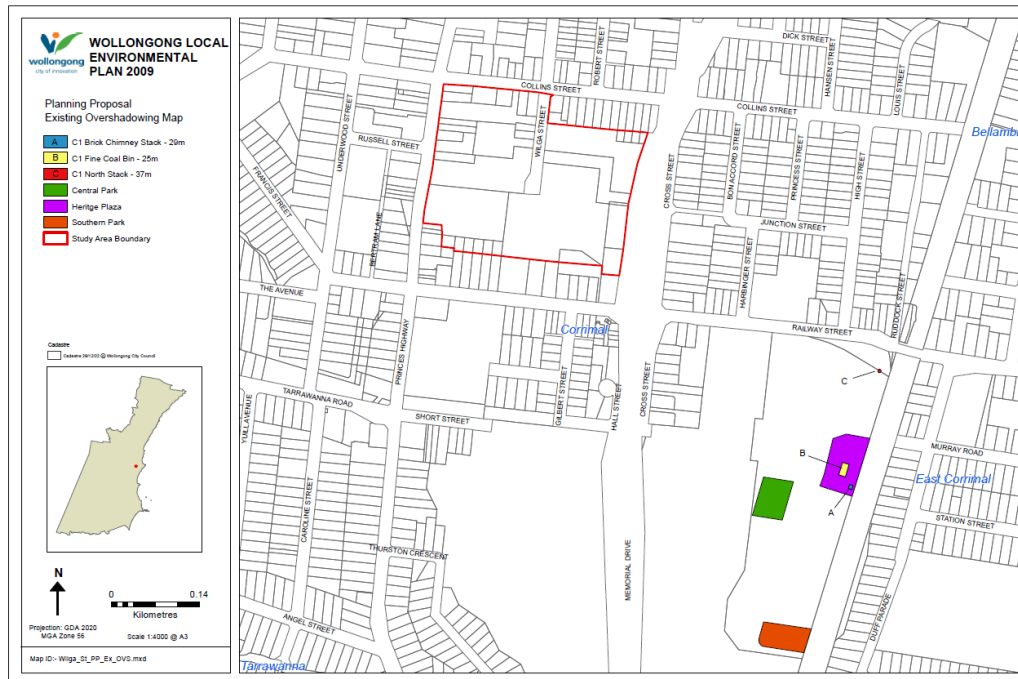


Figure 29: Existing Overshadowing Map

Strategic Merit/Justification

Good solar access is a key contributor to the amenity of public spaces and streets, particularly during winter. Planning controls should ensure sufficient sunlight access to key public spaces at all times of the year during key times in the day when the spaces are likely to be most utilised such as lunchtime hours.

It is important to retain and strengthen the Sun Protection control framework in Wollongong LEP 2009 to ensure continued enjoyment of important parks and public places in Wollongong LGA. Further, with increased development and population, the demand on open space will increase and it is important to maintain the quality of existing open space, such as Memorial Park.

There is currently no LEP control protecting Memorial Park Corrimal from overshadowing. Whilst the height of buildings controls to the east, north and west of the park remain low, they act as quasi solar protection controls, albeit not to the extent required to protect locations in close proximity to the boundaries of the Park. The existing lack of protections, and the proposed increase to height controls requires a clear and robust set of sun protection controls for Memorial Park.

There are four (4) locations within Memorial Park which have been identified as important to protect from overshadowing. They include -

- **Luke's Place Playground:** Luke's Place is an inclusive all abilities playground. The playground includes various sensory activities, a water play area as well as both active and quiet play zones.

- **Memorial Main Ground:** The main Ground is a full-sized, fenced soccer field, oriented north-south. The field is naturally turfed.
- **Memorial Outside Ground:** The Outside Ground is a full-sized soccer field, oriented east-west. The field is naturally turfed.
- **Wilga Street Tennis Courts:** The complex includes five (5) Tennis Courts, oriented north-south. The courts have an artificial turf surface.

The justification for protecting sunlight to these locations is both for the amenity of users, and the health of the vegetation they contain.

Overshadowing controls for the two grassed playing fields (Memorial Main Ground and Memorial Outside Ground) have been set to retain 4 hours of sunlight to 100% of the fields during mid-winter. This amount of solar radiation is considered a minimum to allow sufficient solar radiation to support the growth of the turfed playing surfaces. Council's Recreation Planning and Maintenance staff support this requirement as a minimum. External documentation (best practice reviews etc from other councils) also supports this approach. Maintaining solar access to the outside field enables the turfed playing surface to be maintained, as well as provides future flexibility for the use of the space, including higher usage rates as a field or another open space activity.

Luke's Place Playground is used by a range of user groups including families and school groups. The Urban Design Study recommended that areas of public open space that are programmed (e.g. BBQ areas, playground) should have controls to protect from any additional overshadowing. Best practice requires three (3) hours of sunlight between 9:00am - 3:00pm on the winter solstice (21 June). In addition to this, the site-specific considerations are intended to limit overshadowing to Luke's Place Playground between 10:00am and 2:00pm.

The Memorial Park Tennis Courts are artificially turfed and therefore do not require protection for the health of vegetation. However, it is considered appropriate, that as a programmed public open space, this area should have at least 3 hours of sunlight between 9:00am - 3:00pm on the winter solstice (21 June).

Proposed Amendments to Wollongong LEP 2009

It is proposed to provide overshadowing controls to four (4) sites within Memorial Park Corrimal in alignment with the clause below and Figure 30.

Suggested Drafting

Insert a new Local provision into the Wollongong LEP 2009 as follows -

7.XX Overshadowing of Memorial Park, Corrimal

- (1) The objective of this clause is to protect public open space at Memorial Park Corrimal from excessive overshadowing to ensure user amenity and the health of vegetation
- (2) This clause applies to the Wollongong LGA.
- (3) Development consent must not be granted for development on land to which this clause applies if the development will result in overshadowing of the land identified as "Luke's Place" on the Overshadowing Map between 10am and 2pm on 21 June.
- (4) Development consent must not be granted for development on land to which this clause applies if the development will result in the land identified as "Memorial Main Ground" and "Memorial Outside Ground" on the Overshadowing Map receiving less than four (4) hours of sunlight to their full extent between 9am and 3pm on 21 June.

- (5) Development consent must not be granted for development on land to which this clause applies if the development will result in the land identified as “Wilga Street Tennis Courts” on the Overshadowing Map receiving less than three (3) hours of sunlight to their full extent between 9am and 3pm on 21 June.

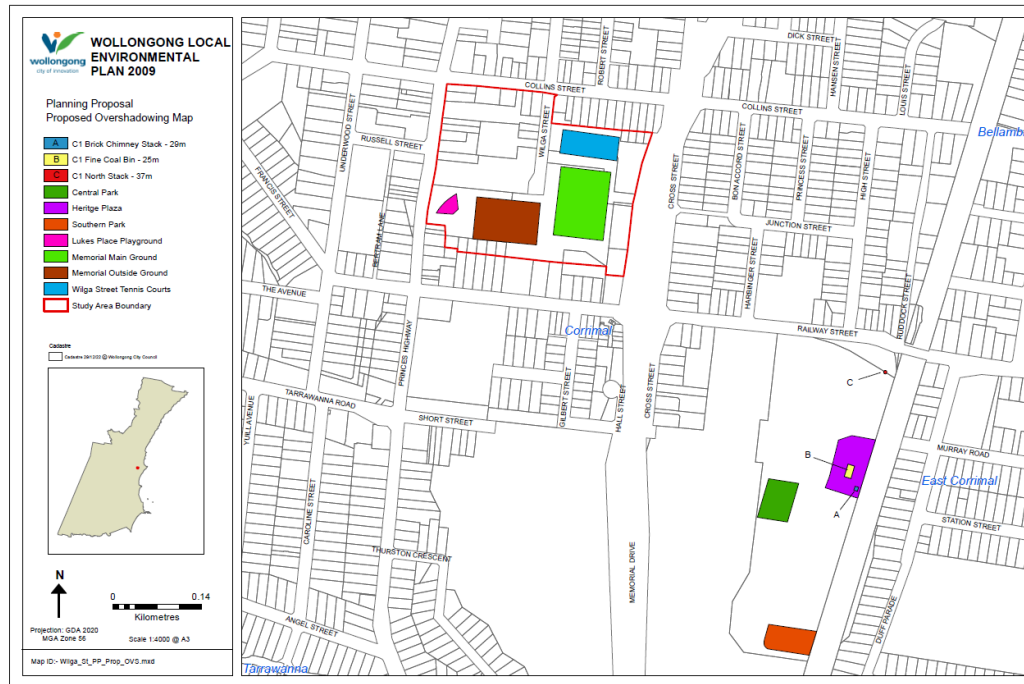


Figure 30: Proposed Overshadowing Map

k Amend clause 4.6 exceptions to development standards

The following should not be subject to Clause 4.6 Exceptions to development standards, and should be listed in Clause 4.6(8) -

7.20 Overshadowing of Heritage Plaza, Central Park and Southern Park

7.XX Overshadowing of Luke's Place Playground, Memorial Park Main Ground, Memorial Park Outside Ground and Wilga Street Tennis Courts.

The importance of maintaining solar access to Memorial Park is justified earlier in this report (see (j)) and therefore an exception to this development standard would not be appropriate or align with the intent of this planning proposal.

PART 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROVISIONS AND PROCESSES FOR THEIR IMPLEMENTATION

Section A – Need for the Planning Proposal

Q1 Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is the result of analysis and testing undertaken as part of the draft *Wilga Street Block Urban Design Study* and *Wilga Street Block Feasibility Report*. This analysis was developed as a recommendation of the adopted *Corrimal Town Centre Plan 2015 -2025*.

The *Corrimal Town Centre Plan 2015 -2025* identifies the Wilga Street Block as a potential redevelopment site. The *Plan* states, specific to the Wilga Street Block, that there *is merit in investigating increasing planning controls that apply to this block and to develop accompanying design guidelines, principles and development controls to ensure high quality outcomes*.

Through scenario testing of the existing, 'Town Centre' and 'design led' the *draft Wilga Street Block Urban Design Study* and *Wilga Street Block Feasibility Report* established a clear set of parameters to guide changes to planning controls.

From these technical studies, Council produced a *draft Wilga Street Block Planning Strategy*.

The draft Planning Strategy provides the strategic direction for the Block, enabling a line of site between the Corrimal Town Centre Plan and recommendations for changes to the Wollongong LEP 2009 and Wollongong DCP 2009: Chapter B4 Development in Business Zones. The recommendations for changes to planning controls are guided by existing strategic policy, and developed through context analysis, design principles and built form testing. Recommendations have been informed and refined through community consultation, peer review and advice from the Wollongong Local Planning Panel.

Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the only means of achieving the objectives and intended outcomes.

Previous development applications and proposals for spot rezonings by landowners on the block have been incompatible with the community's objectives for the Town Centre, as identified in the *Corrimal Town Centre Plan 2015 -2025*.

This Planning Proposal which has been formed by community engagement and various technical studies puts forward a considered planning framework for the Block that will enable the Block to enact the vision for a "vibrant and flexible mixed-use precinct that strengthens the role and identity of Corrimal Town Centre."

Section B – Relationship to strategic planning framework

Q3 Will the planning proposal give effect to the objectives and actions of the applicable regional plan?

Illawarra-Shoalhaven Regional Plan.

The Illawarra Shoalhaven Regional Plan sets the strategic framework for the region, aiming to protect and enhance the region's assets and plan for a sustainable future. It is a 20-year land use plan prepared in accordance with section 3.3 of the Environmental Planning and Assessment Act 1979 and applies to the local government areas of Wollongong, Shellharbour, Kiama and Shoalhaven. It will inform councils' land use planning, inform the

work of infrastructure agencies to plan for growth and change, and inform the private sector and the wider community of the NSW Government's approach to creating a connected, sustainable, innovative and vibrant Illawarra Shoalhaven.

The Planning Proposal gives effect to the Illawarra-Shoalhaven Regional Plan (2021-2041) through the following -

Objective	Strategy	Comment
<i>Objective 7: Respond to the changing nature of retail</i>	<i>Strategy 7.1 Strategic planning and local planning should consider opportunities to provide flexibility and facilitate a broad range of commercial, business and retail uses within centres</i>	The current planning controls applying to the Wilga Street Block constrain commercial, business and retail uses. The split land zoning restricts commercial development across the block. The height and FSR controls limit feasibility, which does not facilitate renewal and improvement of existing uses. The Planning Proposal seeks to amend planning land use zoning and active frontage controls across the block to provide a flexible approach to redevelopment, whilst ensuring critical commercial interfaces are maintained. The Planning Proposal also seeks to amend height, FSR, and minimum lot size controls to facilitate a broad range of development outcomes.
<i>Objective 18: Provide housing supply in the right locations</i>	<i>Strategy 18.2 Facilitate housing opportunities in existing urban areas, particularly within strategic centres - review planning controls so that they are creating flexible and feasible conditions for housing supply</i>	The Regional Plan identifies Corrimal as a Strategic Centre. Strategic centres are well serviced by utilities, public transport, walking and cycling, education, health and community infrastructure. They provide shopping, community and commercial services.
<i>Objective 19: Deliver housing that is more diverse and affordable</i>	<i>Strategy 19.1: Strategic planning and local plans should consider opportunities to consider whether development standards, including minimum lot sizes, minimum frontage and floor space ratio are inadvertently inhibiting</i>	The Planning Proposal seeks to amend planning controls, specifically height and FSR, to facilitate a range of appropriate development types, including medium density housing.

Objective	Strategy	Comment
	<i>opportunities for diverse housing options</i>	
Objective 21: <i>Respond to the changing needs of local neighbourhoods</i>	Strategy 21.1 <i>Consider the changing needs of local neighbourhood centres. Strategic planning and local plans should consider opportunities to: explore flexibility and supporting a mix of land uses so that local streets and spaces can be adapted to new uses and user needs over time, and; improve public space, in consultation with the community, to foster and support connectivity and great places to live for changing populations.</i>	The Planning Proposal recognises the importance of Corrimal Town Centre to its community. The centre provides a high level of services to a broad catchment, including retail, business, community services and recreation. The Planning Proposal seeks to support Corrimal's role as a Major Town Centre, by providing a flexible planning framework to facilitate renewal, whilst protecting and enhancing the adjacent public space in Memorial Park. The accompanying DCP amendments further support improvements to public space and pedestrian amenity and permeability.

Q4 Is the planning proposal consistent with an endorsed council LSPS?

The LSPS identifies Corrimal Town Centre as a Major Town Centre in the Centres Hierarchy. The Statement notes that Corrimal is the main shopping and commercial precinct for the northern suburbs, containing a range of retail, commercial and community services. It confirms Corrimal is an important focus for local jobs, community facilities, social interactions as well as increased housing opportunities.

The Planning Proposal is consistent with the Wollongong LSPS.

The adopted Corrimal Town Centre Plan (2015-2025) is listed in the LSPS as providing a vision and strategy to guide growth and planning changes. Investigating an increase in density across the Block is a recommendation of the Corrimal Town Centre Plan. The Corrimal Town Centre Plan is the foundation for the Vision, Objectives and Design Principles defined for the Wilga Street Block. This foundation was built upon through the analysis and recommendations of the Urban Design Study, in order to produce a site-specific strategic direction for the Block in the draft Planning Strategy. The importance of these objectives and principles to the community was reinforced through the Wilga Street Block Community Survey.

Q5 Is the planning proposal consistent with any other applicable state and regional studies or strategies?

Illawarra Shoalhaven Regional Transport Plan

This plan seeks to make walking, cycling and public transport an attractive alternative to the private vehicle for more people across the Illawarra-Shoalhaven regardless of age, ability and income.

The Plan does not outline any upgrades to the movement network in Corrimal.

The DCP amendments supporting this planning proposal seek to improve walking connections within and around the Wilga Street Block.

Q6 Is the planning proposal consistent with applicable SEPPs?

The Planning Proposal is considered consistent with the applicable SEPPs. A complete assessment of the Planning Proposal's consistency against applicable SEPPs is provided at Appendix 2 of this planning proposal.

Q7 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal is consistent with the applicable Ministerial Directions, with the exception of 4.1 Flooding. The planning proposal could be considered inconsistent with 4.1 Flooding, however the inconsistency is considered of minor significance. A Flood Impact and Risk Assessment report has been prepared by Advisian to address the Ministerial Direction in detail.

A complete assessment of the Planning Proposal's consistency against all s.9.1 Directions is provided at Appendix 2 of this Planning Proposal.

Section C – Environmental, Social and Economic Impact

Q8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal relates to an existing business precinct in a substantially urban area. As such, the Planning Proposal is unlikely to adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

Q9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

It is unlikely that the proposed amendments to WOLLONGONG LEP 2009 will result in development creating any environmental effects that cannot be controlled. It is envisaged that proposed controls will provide a positive contribution to the environmental conditions in Corrimal Town Centre. In particular, the proposed additions of overshadowing controls will ensure sunlight and the amenity of Memorial Park are given priority consideration in the assessment of development proposals. Other than making these places desirable places for recreational activities, this will ensure the healthy growth of trees, grass and other vegetation.

Q10 How has the planning proposal adequately addressed any social and economic effects?

The implementation of the proposed controls in the planning proposal will have a positive impact on the economic growth of Corrimal Town Centre, and facilitate improve access to goods and services, as well as housing options for the community.

Aboriginal cultural heritage

The proposed controls, as set out in the planning proposal and accompanying draft DCP, seek to acknowledge the important setting of the Corrimal Town Centre in the context of the Illawarra Escarpment. Proposed Height, View and through site link controls seek to protect existing views to the escarpment, and frame specific views to Mt Corrimal (Kurimul), now commonly known as Brokers Nose.

Non Aboriginal heritage

The Wilga Street Block does not contain any listed heritage items, proposed heritage items, nor are there any heritage items in the immediate vicinity. Corrimal Town Centre includes 1 listed item – the Palm Court Hotel, on the corner of the Princes Highway and Railway Street. The hotel has a strong presence to the street corner with a high parapet and built form alignment with the street. This strong corner presence is an outcome sought for the corner of Collins Street and Princes Highway on the Wilga Street Block.

Supporting housing growth and diversity

The Wilga Street Block currently includes four (4) single detached dwellings and 17 apartments in two (2) residential flat buildings. The location of the site provides access to amenities and services.

SJB's testing of built form scenarios under increased height and FSR controls estimated the potential for a significant increase of medium density dwellings. This ranged between 195 dwellings (15m height limit, up to 1.5:1 FSR) and 428 dwelling (up to 27m height, FSR average 1.5:1, ranging between 0.52:1 and 2.24:1 across the block).

The Wollongong Housing Strategy guides the future housing directions within the Wollongong Local Government Area for the next 10-20 years.

The Housing Strategy addresses overall housing supply and demand, as well as examining various housing sectors that are in need of support, including the homeless, social housing, affordable housing and accessible or supportive housing.

In relation to Corrimal, the Housing Strategy proposes the modification of the planning controls for housing around the Corrimal Town Centre where there is more capacity for development (excluding Illawarra Escarpment Foothills and constrained locations).

The proposal is a partial implementation of the following recommendations from the Housing Strategy -

- *CW1. Enable housing of the appropriate type in appropriate locations, with suitable landform, access to public transport, town centres and supporting infrastructure that is planned, costed and programmed within an achievable timeline.*
- *L11. Corrimal – increase development potential around the town centre (excluding Illawarra Escarpment Foothills and constrained locations). The boundaries are to be defined.*
- *L13. Town Centres – review the floor space ratio and building height limits to increase the opportunity for shop top housing. The floor space ratio and building height will need to be defined for each centre. Centres with adequate public transport will be a higher priority for review.*

Supporting employment

The Wilga Street Block currently includes approximately 8,400sqm of employment uses across retail goods and services, the Club, and some small businesses. Based on feasibility analysis undertaken by SGS, under the existing controls with no change, the most likely scenario for the Wilga Street Block is that we will see no renewal of the existing sites. Some

of the existing buildings are aged and in need of renewal to meet current commercial requirements. Others have the potential to expand to include a broader range of commercial uses, including tourist accommodation.

Action is required to attract investment which will sustain current levels of employment associated with existing uses, and potentially grow these in the future.

Amended controls will ensure that there is adequate land to sustain existing employment levels and accommodate growth.

Impact on existing retail Centres

On 20 March 2023 Council adopted the Retail and Business Centres Strategy. The Retail and Business Centres Strategy focuses on how our planning controls can support successful centres and facilitate an appropriate mix and quality of development.

The Retail and Business Centres Strategy notes the increased population growth in Corrimal compared with other Wollongong suburbs, and the growth of apartment development in the Town Centre. Retail modelling indicated there is a sufficient supply of retail floor space in the Corrimal Town Centre, however increases in population as envisaged under the endorsed Housing Strategy is likely to increase demand for retail and commercial floor space into the future.

This proposal recommends an extension to the E1 Local Centre zone, however this largely reflects the uses already present on the Block. Overall, the change to planning controls are focused on formalising the existing commercial uses and simplifying development application processes for these properties. The proposed changes also facilitate an increase in residential density across the block in order to increase supply and diversity of housing in proximity to services and transport.

The Centres Strategy reinforces Corrimal Town Centres role as a Major Town Centre. The Draft B4 Chapter – Development in Centres and Peripheral Sales Precincts defines the characteristics of Major Town Centres as shown in Table 4.

The Planning Proposal proposes amendments to Land Use Zoning, specifically, to extend the E1 Local Centre Zoning across the entire block and control for where residential uses will not be permitted at ground through active frontage controls. This removes the constraints imposed by the current split land zones, whilst allowing a demand led response to the provision of commercial uses at ground within the Block.

Table 4: Desired Characteristics of a Major Town Centre (Wollongong DCP: Chapter B4 – Development in Centres and Peripheral Sales Precincts)

Major Town Centre	
Retail Floorspace	20,000-40,000m ²
Population catchment	Up to 50,000
Function	Providing for the major weekly shopping and convenience retail needs of the surrounding population (generally more than one suburb) as well as a large range of specialty retail shops and services. Large community facilities and public recreation provision. Restaurants, cafes and bars contribute to active streets and a vibrant evening economy.
Accessibility	On major public transport network with access to frequent transport by train or bus. Highly accessible for logistics and private vehicles.

Major Town Centre	
	Active transport connections to and within the Centre. Developments integrate with and enhance existing active transport infrastructure and prioritise the safety and amenity of people who walk and cycle.
Retail uses	Major Town Centres provide a range of retail, business, entertainment and community uses that serve the needs of people who live or work in the surrounding suburbs. Major Town Centres are generally anchored by at least one or two medium to full line supermarkets and other specialty retail shops. Some Major Town Centres include a department store. Major towns operate daytime and limited evening hours. Restaurants, cafes and bars contribute to active streets and an evening economy appropriate for the surrounding neighbourhood.
Business Uses	Services including banks, community services, customer facing professional offices, gyms and medical services. Limited large format commercial office space.
Residential Uses	The Major Town Centre caters for medium density residential development which supports the retail and business function of the centre and contributes to greater housing choice for the local population. These Centres have a role in providing well serviced and located affordable housing to the community. Diverse housing options are provided, including a range of bedroom numbers and typologies within the scope of the controls.
Other Uses	The Major Town Centre provides local scale community facilities and services, as well as local scale public open space.

Impact on public open space

The Planning Proposal seeks to mitigate impacts on adjacent public open space through the introduction of overshadowing controls for Memorial Park. These controls ensure the Park is a desirable place for recreational activities, and ensure the healthy growth of trees, grass and other vegetation. Additionally, the proposal seeks to activate public space through the addition of active frontage controls facing the public open space.

Section D – Infrastructure (Local, State and Commonwealth)

Q11 Is there adequate public infrastructure for the planning proposal?

The proposal will result in a development capacity uplift for commercial and residential uses, this will create a level of additional demand on public infrastructure and services.

A Traffic Impact Assessment (TIA) has been completed and identified that minimal difference in traffic network impacts is expected between the 1.5:1 FSR and 1.5-2.1:1 FSR scenarios. The TIA notes that the Princes Highway / Collins Street signals are predicted to operate with significant congestion at the northern approach in the 2036 Do Minimum scenario. An upgrade option to extend the right turn lane north by approximately 30m was developed for the intersection, and was assessed using the Aimsun model. The proposed upgrade would allow for additional queuing space for the right turn and reduce the likelihood of queues blocking the kerbside lane. The TIA also identified the following upgrades to ensure satisfactory outcomes in terms of delays and queues -

- Upgrade of the Wilga Street / Rothery Street intersection to a round-about will be required when 50% of the development is complete in both scenarios
- Upgrades of the Wilga Street / Collins Street to a roundabout will be required when the development when 100% of the development is complete in both scenarios.

These upgrades are based on a number of development assumptions and subject to change based on actual development over time. Council will monitor this as part of the development assessment process.

The TIA notes the Block is in close proximity to bus stops and within 950m of the Corrimal Train Station, and that additional trips generated from the proposal are unlikely to have a significant impact on the capacity of these services. Further, the TIA recommends a range of initiatives to encourage active and public transport, these can be incorporated into the site specific DCP as appropriate and where not covered by existing controls.

The full range of utility services including electricity, telecommunications, water and sewer are all currently available across the Corrimal Town Centre. It is expected that these services will be upgraded where required as individual development occurs.

Section E – State and Commonwealth Interests

Q12 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with public authorities has been undertaken in accordance with the Gateway Determination.

Comment was requested from the following agencies or authorities:

- Biodiversity, Conservation and Science, within Environment & Heritage Group of Department of Planning & Environment.
- Endeavour Energy.
- Fire & Rescue NSW.
- Illawarra Shoalhaven Local Health District
- Illawarra Local Aboriginal Land Council
- NSW State Emergency Services.
- Department of Education - School Infrastructure NSW.
- Sydney Trains (within Transport for NSW).
- Sydney Water Corporation.
- Transport for NSW.

No agencies or authorities objected to the planning proposal. A summary of feedback received is provided under separate cover.

PART 4: MAPPING

The existing and proposed maps have been embedded within the body of the planning proposal document. A full set of existing and proposed maps is included in Appendix 3.

The relevant map sets are to be amended -

Map Set	Change	Map sheet reference
Land Zoning	Rezone R2 Low Density Residential to E1 Local Centre for certain land	LZN_024
Floor Space Ratio	Amend maximum FSR from 0.5 to 1.5 for certain land	FSR_024
Height of Building	Amend maximum Building Height from 9m (J) to 15m (Q1) for certain land	HOB_024
Lot Size	Remove 499 (F) minimum lot size for certain land	LSZ_024
Additional Permitted Uses	Extend application of APU 33 in line with proposed E1 Local Centre zoning	APU_024
Active Frontages	Amend title from "Active Street Frontage" to "Active Frontage"	New map sheet to be created for subject site. Consequential update to Map sheet ASF_014 to reflect new title
	Map active frontage for certain land	New map sheet to be created
Key Sites	Identify the Wilga Street Block as Key Site 10	KYS_024
Special Area	Identify a Special Area within the Wilga Street Block	New map set and sheet to be created
Overshadowing	Identify the following sites on the map: <ul style="list-style-type: none"> • Luke's Place Playground • Memorial Main Ground • Memorial Outside Ground • Wilga Street Tennis Courts 	OVS_024

PART 5: COMMUNITY CONSULTATION

The public exhibition occurred from 8 November 2023 to 19 December 2023 as per the Wollongong Community Participation Plan and the Gateway Determination made in accordance with Division 3.4 of the *Environmental Planning & Assessment Act 1979*.

A comprehensive package of documents including this planning proposal was made available for the public exhibition and public agency consultation. This package included the supporting draft Wilga Street Block Planning Strategy, draft development control plan controls, Traffic Impact Assessment and Flood Impact and Risk Assessment. The 3 April Council report and minutes were also made available along with the then Department of Planning, & Environments Gateway Report and Determination.

Council received 11 submissions from the public, comprised of nine (9) community members, one (1) landowner and one (1) community group.

Consultation with public agencies or authorities was undertaken as per the Gateway Determination. Responses were received from the following public agencies or authorities -

- Biodiversity Conservation Division (previously within Department of Planning & Environment, now within Department of Climate Change, Energy, the Environment and Water).
- Endeavour Energy.
- Illawarra Shoalhaven Local Health District.
- NSW State Emergency Services.
- Sydney Water Corporation.
- Transport for NSW.

Feedback was also requested from the following agencies, but no response was received -

- Illawarra Local Aboriginal Land Council.
- Sydney Trains (within Transport for NSW).
- Department of Education - Schools Infrastructure NSW.
- Fire & Rescue NSW.

No public agencies or authorities objected to the draft planning strategy, planning proposal or draft DCP amendments.

A full summary of the consultation and outcomes is contained in a report to a meeting of Council.

PART 6: PROJECT TIMELINE

Stage	Timeframe	Timeline
Consideration by Wollongong Local Planning Panel		December 2022
Consideration and decision by Council		April 2023
Submit to Department of Planning & Environment for Gateway		September 2023
Gateway determination issued		31 October 2023
Pre-exhibition/Post Gateway		November 2023
Commencement and completion of public exhibition period	Max	8 November to 19 December 2023
Consideration of submissions	95	January to March 2024
Post Exhibition review and additional studies	days	March 2024
Final Council decision	Max	April 2024
Submission to the Department for finalisation	55 days	June 2024
Gazettal of LEP amendment		1 November 2024
Gateway Deadline		

APPENDIX 1 - Wollongong Local planning Panel advice

APPENDIX 2 - Compliance with SEPPs and Ministerial Directions

State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
SEPP	(Biodiversity and Conservation) 2021	Consistent	The site is not mapped within the State Environmental Planning Policy (Biodiversity and Consideration) 2021. The Planning Proposal is not mapped as Koloa habitat. The site is not within bushland urban area. The Planning Proposal is not mapped as being within the Sydney Water catchment. The planning Proposal is not mapped as being within the foreshore area.
SEPP	(Building Sustainability Index: BASIX) 2004	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	(Exempt and Complying Development Codes) 2008	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	(Housing) 2021	Consistent	The Planning Proposal proposes an incentive provision for Affordable Rental Housing.
SEPP	(Industry and Employment) 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	No 65—Design Quality of Residential Apartment Development	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Any future development subject to this SEPP will need to demonstrate compliance with the relevant provisions of the SEPP.
SEPP	(Planning Systems) 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	(Precincts—Central River City) 2021	Not Applicable	
SEPP	(Precincts—Eastern Harbour City) 2021	Not Applicable	

State Environmental Planning Policy		Compliance	Comment
SEPP	(Precincts—Regional) 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	(Precincts—Western Parkland City) 2021	Not Applicable	
SEPP	(Primary Production) 2021	Not Applicable	
SEPP	(Resilience and Hazards) 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	(Resources and Energy) 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	(Sustainable Buildings) 2022	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	(Transport and Infrastructure) 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

S9.1 Ministerial Directions

	Consistency	Comment
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Consistent.	The Planning Proposal is consistent with the overall intent of the Illawarra-Shoalhaven Regional Plan 2041.
1.2 Development of Aboriginal Land Council land	N/A	Not applicable to Wollongong
1.3 Approval and Referral Requirements	Consistent.	The proposal is consistent with this Direction because it does not alter the provisions relating to approval and referral requirements
1.4 Site Specific Provisions	N/A	No site-specific provisions are proposed
1.4A Exclusion of Development Standards from Variation	Consistent	<p>Consideration has been given to the criteria in <i>Part 2 of the Guide to exclusions from clause 4.6 of the Standard Instrument</i>, specifically <i>2.2.1 Protection of public space and significant public view corridors</i>.</p> <p>This planning proposal seeks to exclude the overshadowing clause from variation under clause 4.6 of the Wollongong LEP. The proposed exclusion has been -</p> <ul style="list-style-type: none"> a Subject to detailed urban design testing. b Subject to formal public exhibition. c Linked to the protection of Lukes Place Playground, Memorial Main Ground, Memorial Outside Ground, and Wilga Street Tennis Courts. <p>The proposed exclusion aligns with the rationale provided in the guide – ensuring that public spaces are protected from additional overshadowing and preventing the cumulative impact of small encroachments.</p>
Focus Area 1: Planning Systems – Place based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	N/A	Not applicable to Wollongong
1.6 Implementation of Northwest Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	Not applicable to Wollongong
1.7 Implementation of	N/A	Not applicable to Wollongong

	Consistency	Comment
Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	Not applicable to Wollongong
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	Not applicable to Wollongong
1.10 Implementation of the Western Sydney Aerotropolis Plan	N/A	Not applicable to Wollongong
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A	Not applicable to Wollongong
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	Not applicable to Wollongong
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A	Not applicable to Wollongong
1.14 Implementation of Greater Macarthur 2040	N/A	Not applicable to Wollongong
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N/A	Not applicable to Wollongong
1.16 North West Rail Link Corridor Strategy	N/A	Not applicable to Wollongong
1.17 Implementation of the Bays West Place Strategy	N/A	Not applicable to Wollongong
1.18 Implementation of the Macquarie Park Innovation Precinct	N/A	Not applicable to Wollongong
1.19 Implementation of the Westmead Place Strategy	N/A	Not applicable to Wollongong

	Consistency	Comment
Focus Area 2: Design and Place		
[this focus area was blank when the directions were made]		
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	Direction does not apply	The site does not include or propose Conservation (C) zones
3.2 Heritage Conservation	Direction does not apply	The site does not include any known heritage items.
3.3 Sydney Drinking Water Catchments	Direction does not apply	The site is not located with drinking water catchment
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	Not Applicable to Wollongong
3.5 Recreation Vehicle Areas	Direction does not apply	The planning proposal does not include provisions that would enable the land to be developed for the purposes of a recreational vehicle area.
3.6 Strategic Conservation Planning	N/A	Not applicable to Wollongong
3.7 Public Bushland	Direction does not apply	Not Applicable
3.8 Willandra Lakes Region	N/A	Not Applicable to Wollongong
3.9 Sydney Harbour Foreshores and Waterways Area	N/A	Not Applicable to Wollongong
3.10 Water Catchment Protection	Direction does not apply	The site is not within a regulated catchment area.
Focus Area 4: Resilience and Hazards		
4.1 Flooding	Minor inconsistency	<p>The Wilga Street Block is located within the Towradgi Creek Catchment and is considered partly flood affected, generally in the north-east and south-west corners of Block.</p> <p>A Flood Impact and Risk Assessment (FIRA) has been prepared by Advisian to accompany this planning proposal. The report makes a number of recommendations to manage flood risk in keeping with the existing framework set out in Chapter E13 Flood Plain Management of the Wollongong Development Control Plan</p>

	Consistency	Comment
		<p>2009. Detailed design of any future development will need to consider the impacts of flooding in line with the planning context at time of lodgement.</p> <ul style="list-style-type: none"> • The planning proposal does not rezone any land currently zoned for Recreation (RE), Rural (RU), Special Purposes (SP) or Conservation (C). • The Wilga Street Block is not within any Floodway areas for the Defined Flood Event (DFE). • Existing controls contained within Wollongong Development Control Plan 2009 will continue to apply, including an assessment against applicable impacts. • The Wilga Street Block does not contain any flood hazard higher than H3 classification during the 1% AEP floor of PMF. • 5.22 Special Flood Considerations has not been adopted within the Wollongong Local Environmental Plan 2009. <p>The FIRA acknowledges that the planning proposal could be -</p> <p><i>“considered inconsistent with items 3(d) and 4(c) [of the ministerial direction] given that the planning proposal will permit an increase in development density at the site, including residential development.”</i></p> <p>It is noted that this increase in residential development is not considered significant, given the permissibility of medium density residential outcomes on the block currently, and the limited increase to height and FSR proposed.</p> <p>Detailed commentary, including supporting figures, addressing relevant parts of Ministerial Direction 4.1 Flooding can be found in Part 6 of the FIRA.</p>
4.2 Coastal Management	Direction does not apply	The Planning proposal does not seek to rezone land to a more intensive land use within the Coastal Protection Zones.
4.3 Planning for Bushfire Protection	Direction does not apply	The subject site is not identified as Bush Fire Prone land

	Consistency	Comment
4.4 Remediation of Contaminated Land	Capable of consistency	<p>The site has been progressively developed over time, with the majority of the site now covered by either buildings or hard stand. A mix of residential and commercial uses are currently occurring across the site.</p> <p>For the land described as the Wilga Street Block, Council has not been advised that:</p> <ul style="list-style-type: none"> • The land is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997 • The land is subject to a management order within the meaning of the Contaminated Land Management Act 1997 • The land is subject to an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997 • The land is subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997 • The land is the subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997. <p>A review of Council records has not indicated any approvals for development for a purpose referred to in table 1 of the Contaminated Land Planning Guidelines</p> <p>Further, a review of available aerial imagery has not indicated any apparent development for purposed referred to within afore mentioned table 1.</p> <p>Any unknown or unexpected contamination will be appropriately managed via the development application process as the site redevelops. Further applications will be required to demonstrate consistency with the relevant legislation at the time of development.</p>
4.5 Acid Sulfate Soils	Direction does not apply	The subject site is not mapped as having Acid Sulfate Soils
4.6 Mine Subsidence and Unstable Land	Direction does not apply	The subject site is not mapped as being within a declared Mine Subsidence District nor identified as unstable land.
Focus Area 5: Transport and Infrastructure		

	Consistency	Comment
5.1 Integrating Land Use and Transport	Capable of consistency	<p>The site is located within the Corrimal Major Town Centre and convenient to existing community facilities. Corrimal Town Centre is serviced by public transport (bus) and Corrimal suburb has a railway station approximately 1km from the subject site. The site is also well serviced within the existing road infrastructure network.</p> <p>A Traffic Impact Assessment has been completed on behalf of Council by Bitzios Consulting. The Traffic Impact Assessment is a supporting document accompanying this planning proposal.</p> <p>The key findings from the modelling assessment are as follows:</p> <ul style="list-style-type: none"> • The proposed revisions to the planning controls of the Wilga Street Block to allow a maximum floor space ratio (FSR) of 1.5:1 is expected to generate an additional 326 vehicle trips in the AM peak and 513 vehicle trips in the PM peak compared to the existing situation • An increased FSR allowance of 2:1 at selected sites is expected to generate an additional 383 vehicle trips in the AM peak and 548 vehicle trips in the PM peak compared to the existing situation • Without any upgrades, the additional traffic is expected to result in - <ul style="list-style-type: none"> ○ Increase travel times along Princes Highway between Collins Street and Tarrawanna Street by between 10 and 15s in both directions and both peak periods. ○ Unacceptable levels of queuing and delays at the Wilga Street / Rothery Street intersections, which is currently a stop-controlled intersection. ○ Queues along northbound Wilga Street between the development and the Collins Street intersection, but would not extend to affect other parts of the road network. • Minimal differences in traffic network impacts are expected between the 1.5:1 FSR and 2:1 FSR scenarios

	Consistency	Comment
		<ul style="list-style-type: none"> • At Wilga Street / Collins Street, upgrading the intersection to a roundabout would provide satisfactory outcomes in terms of delays and queues in both scenarios, and will cause minimal impacts to the Princes Highway / Collins Street intersection • At Wilga Street / Rothery Street, upgrading the intersection to a roundabout would provide satisfactory outcomes in terms of delays and queues in both scenarios, and it is extremely unlikely that eastbound queue Rothery Street will reach the Princes Highway / Rothery Street signals • However, implementing roundabouts at both Wilga Street / Collins Street and Wilga Street Rothery Street may increase traffic on Wilga Street as it could be used as an alternative route to Princes Highway • A cycleway has been proposed to run along the northern and eastern perimeter of the Wilga Street Block, and there are opportunities for encouraging bicycle trips with end-of-trip facilities and the extension of off-road shared paths to nearby residential zones • In both 1.5:1 FSR and 1.5-2:1 FSR scenarios, the Wilga Street / Rothery Street roundabout will be required by the time 50% of the development is complete. The Wilga Street / Collins Street roundabout will be required when the development is 100% complete in both scenarios. • A cycleway has been proposed to run along the northern and eastern perimeter of the Wilga Street Block, and there are opportunities for encouraging bicycle trips with end-of-trip facilities and the extension of off-road shared paths to nearby residential zones • The Wilga Street Block is located in close proximity to bus stops on both sides of Princes Highway, and within 950m of Corrimal Railway Station. Additional trips from the development are unlikely to have a

	Consistency	Comment
		significant impact on the capacity of these services, and measures should be implemented to encourage public transport usage.
5.2 Reserving Land for Public Purposes	Direction does not apply	The planning proposal does not relate to reservation of land for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	N/A	Direction does not apply
5.4 Shooting Ranges	N/A	Direction does not apply.
Focus Area 6: Housing		
6.1 Residential Zones	Consistent	<p>The Planning Proposal includes provisions that will encourage the delivery of housing, broaden the choice of housing types, reduce the consumption of land for housing (through infill intensification) and ensure good quality design.</p> <p>The Planning Proposal does not include provisions that will reduce the permissible residential density.</p> <p>The Planning Proposal is consistent with Wollongong City Council's adopted <i>Housing Strategy</i>.</p>
6.2 Caravan Parks and Manufactured Home Estates	Direction does not apply	Not Applicable
Focus area 7: Industry and Employment		
7.1 Business and Industrial Zones	Consistent	<p>The Planning Proposal directly supports the viability of Corrimal Major Town Centre and protects the existing employment uses on the subject site.</p> <p>The Planning Proposal is consistent with Wollongong City Council's adopted <i>Retail and Business Centres Strategy</i>.</p>
7.2 Reduction in non-hosted short-term rental accommodation period	N/A	Not Applicable to Wollongong
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not applicable to Wollongong

	Consistency	Comment
Focus area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	Direction does not apply	No known state or regionally significant reserves of coal, other minerals, petroleum and extractive mineral are in the vicinity of the site
Focus area 9: Primary Production		
9.1 Rural Zones	Direction does not apply	The site is not currently, nor does it propose, a rural zone
9.2 Rural Lands	N/A	Not Applicable to Wollongong
9.3 Oyster Aquaculture		Not Applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Not applicable to Wollongong

APPENDIX 3 MAP BOOK

Draft Wilga Street Block DCP

Note: These Precinct controls will sit within Part 6 of the Wollongong DCP Chapter B4 – Development in Centres and Peripheral Sales Precincts. Part 7 is supplementary to the general controls found in Part 10 of the same chapter.

7 PLANNING REQUIREMENTS FOR DEVELOPMENT IN THE MAJOR TOWN CENTRES

7.1 Corrimal Major Town Centre

The precinct planning controls for Precinct 1 – Wilga Street Block are included at 7.1.1. The precinct planning controls for the remainder of Corrimal Major Town centre will be covered in a future update to the DCP.

7.1.1 Precinct 1 - Wilga Street Block

This precinct is a key site known as the Wilga Street Block, which is located at the north-east end of the Town Centre and is bound by Wilga Street, Collins Street, the Princes Highway and Memorial Park. The controls within this section apply to the Wilga Street Block as illustrated in Figure 1.



Figure 1 - Wilga Street Block Study Area [editorial note: previous image replaced with current version]

These precinct controls are informed by:

Draft Wilga Street Block DCP

1. The Corrimal Town Centre Plan (2015-2025)
2. The ~~Draft~~ Wilga Street Block Planning Strategy ~~(2024)~~.

Objectives

- a) To communicate the expectations and requirements of development within the Wilga Street Block with detailed objectives and controls for development.
- b) To ensure development aligns with the ~~Corrimal Town Centre Plan (2015-2025)~~ and the objectives, principles, and recommendations of the Wilga Street Block Planning Strategy.
- c) To guide a place-based development approach through a comprehensive set of planning and design guidelines informed by the future desired character of the Precinct.
- d) To promote design excellence and quality urban design and architectural outcomes across the Wilga Street Block.

These DCP controls have been developed with reference to the recommendations of the ~~draft~~ Wilga Street Block Planning Strategy, to work in conjunction with ~~revised~~ provisions within the Wollongong LEP 2009, particularly in relation to land use, building form and access.

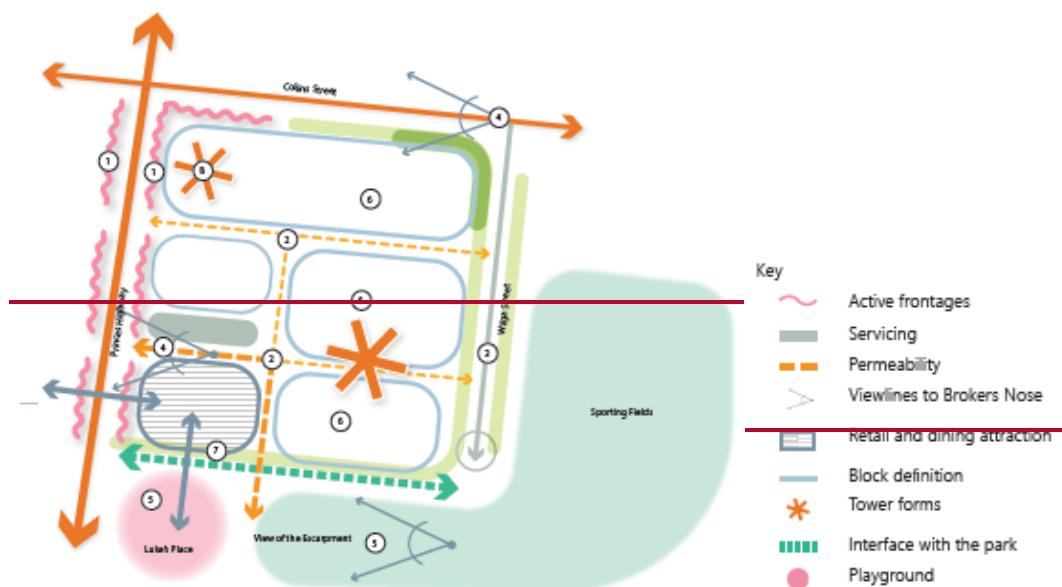


Figure 2 Wilga Street Block Concept Diagram (SJB)

The above concept diagram is supported by the following key concept objectives moves:

1. ~~Retain main street character with active frontages~~
2. ~~Improve block permeability for pedestrians~~
3. ~~Locate vehicle access and servicing to Wilga Street~~
4. ~~Maintain key views to the Escarpment~~
5. ~~Protect sunlight to Memorial Park~~
6. ~~Strengthen lot layouts and allow for logical lot consolidation and development~~
7. ~~Enhance the connections to and the interface with the Memorial Park~~
8. ~~Investigate the potential for the distribution of tower forms across the block~~

Draft Wilga Street Block DCP

7.1.1.1 Desired Future Character

Vision

- a) The **Wilga Street Block** will be a vibrant and flexible mixed-use precinct that strengthens the role and identity of Corrimal Major Town Centre. It will support the growth of the local community, with services and amenities that align with Council's strategic priorities. The Block will enable safe and high amenity access to Memorial Park, and this interface will foster social interaction and a range of activities. Comfortable streets, lanes and improved active transport connections will support a uniquely walkable environment and minimise the role of cars.
- b) The **Princes Highway** is the main retail street for Corrimal and already operates as a high street with fine grain retail. Redevelopment of the site will seek to revitalise and enhance the existing character. Pedestrian only traffic with wide footpaths will encourage walkability and activation of shop fronts with no vehicular crossings.
- c) **Memorial Park** is a critical interface for enhancing the amenity of Wilga Street Block. Activating the edge of the park adjacent to Luke's Place Playground and the Memorial Outsider Ground will provide stronger connections, an increased vibrancy and support visitation and utilisation.
- d) **Collins Street** is a predominantly residential street with a mixture of single dwellings and low scale medium density housing. On the Wilga Street Block low scale street walls, setbacks for landscaping and articulated façades will assist in managing the transition to a higher density of residential uses, to fit within the local context.
- e) **Wilga Street** plays a key role in the functioning of the block as primary servicing and vehicle access. Consolidated vehicle entries and servicing, future cycling routes, on street parking and landscaped setbacks would all enhance the amenity of the block and improve connections to surrounding community facilities.

7.1.1.2 Structure and Access

The structure of a block defines how it is experienced by people. It facilitates areas for lot amalgamationconsolidation and development, designates the role of streets and internal movement networks, and determines the provision of, and interface with, the public domain and surrounding context. Figure 2 shows the preferred structure and access framework for the Wilga Street Block.

Draft Wilga Street Block DCP

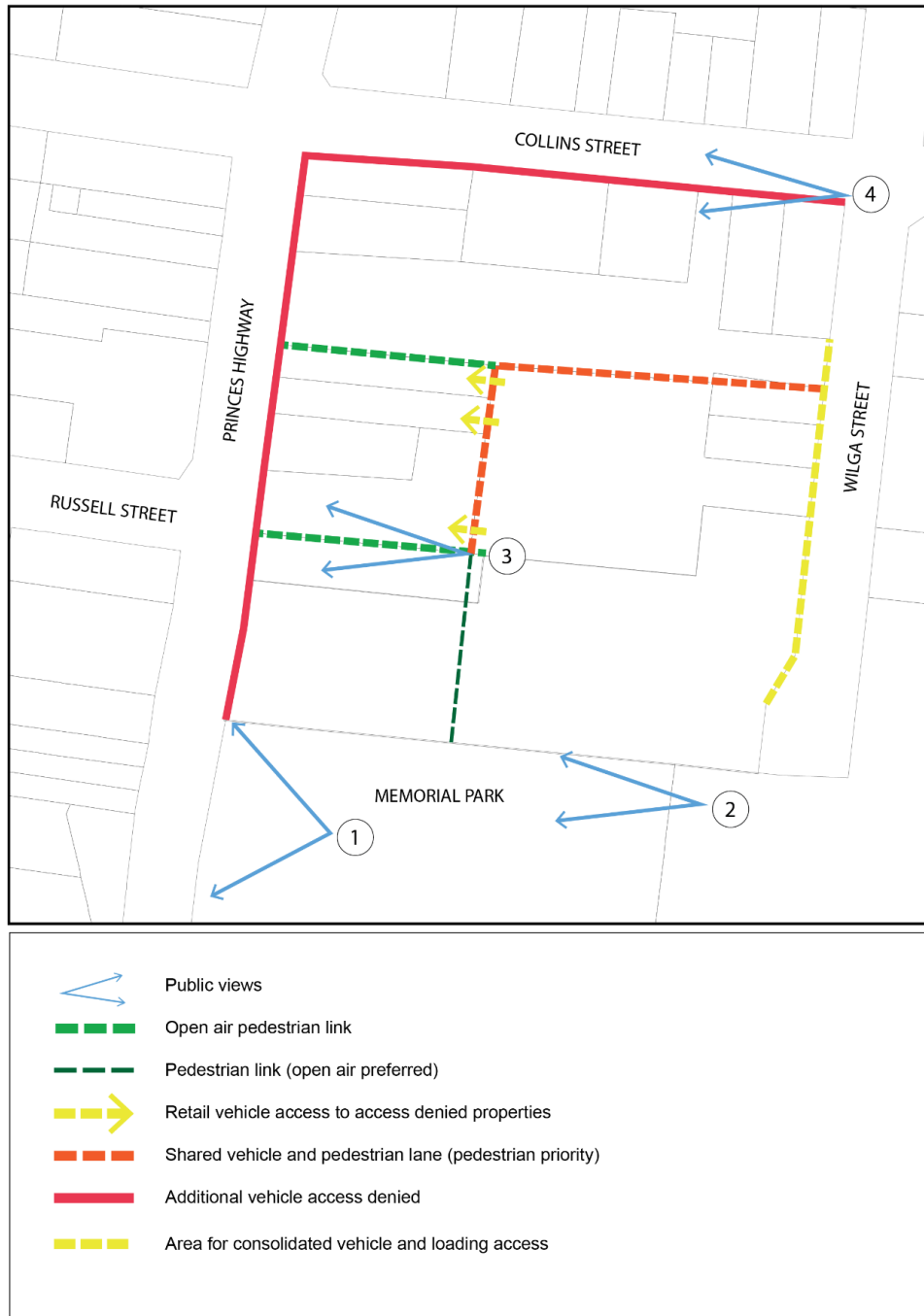


Figure 2 – Structure, Access and Views *[editorial note: previous image replaced with current version]*

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i. Public Views

Objectives

- a. Preserve and improve views from the Wilga Street Block to the Illawarra Escarpment and Memorial Park
- b. Ensure the Illawarra Escarpment remains the dominant feature of the skyline.
- c. Enhance views along streets to the Illawarra Escarpment and Memorial Park.

Controls

1. Nominated public views shown in Figure 2 - *Structure, Access and Views* are to be protected.
 - a. Views to the Illawarra Escarpment and Brokers Nose are to be maximised from within Luke's Place Playground (1)
 - b. Views to the Escarpment and Brokers Nose are to be maximised from the pedestrian connection between Wilga Street and the Princes Highway (2)
 - c. A view corridor to Broker's Nose along Russell Street is to be created via a new open air pedestrian link from the centre of the Block (3). Built form envelopes either side of this link are to maximise this view.
 - d. Views to the Escarpment and Brokers Nose are to be maximised along the pedestrian footpath on the southern side of Collins Street between Wilga Street and the Princes Highway (4).
2. The redevelopment of sites with potential to open a blocked view shown in Figure 3: Public Views must restore that view.
3. Development Applications must include a view analysis demonstrating how views to the Illawarra Escarpment and Broker's Nose have been maximised from nominated views points as per Figure 2 – *Structure, Access and Views*. This should consider existing topography, vegetation and surrounding development.
4. The planning and design of building forms must maximise view corridors between buildings, including tower forms.

ii. Lanes and Pedestrian through site links

Objectives

- a. Improve pedestrian permeability and access through the Wilga Street Block.
- b. Ensure through site links are safe, well-lit and accessible with a welcoming character.
- c. Maximise low angle (eye-level) views between buildings to allow orientation throughout the Block from street to street and to Memorial Park and to reduce the effects of visual enclosure.
- d. Prioritise pedestrian movement on through site links shared with vehicles.

Controls

1. Open air through-site links are to be an easement on title ~~unless identified for dedication to Council.~~
2. Pedestrian links are to be provided as per Figure 2 -*Structure, Access and Views*. ~~Where connections are not available due to lot ownership, appropriate alternatives are to be proposed will be considered where they deliver on objectives (a) to (d) of ii Lanes and Pedestrian through site links.~~
3. Pedestrian links are to be consistent with the requirements in 109.2.6 Pedestrian Access of this DCP Chapter (Chapter B4).
4. Use landscape planting and ~~interstitial~~ views to surrounding landscape features to ensure that spaces do not feel enclosed or lacking in connection to the wider area.
5. Wayfinding signage should support the movement of people through the site and provide direction to key destinations.

iii. Vehicle Access

Objectives

- a. Pedestrians are prioritised on footpaths and in shared vehicle and pedestrian lanes-zones.
- b. Conflicts between vehicle and pedestrians are ~~to~~ minimised.

Draft Wilga Street Block DCP

- c. Vehicle entry points do not dominate the design of buildings or the streetscape character.
- d. Vehicle access within the site maintains pedestrian priority on the street by facilitating rear access to properties denied vehicle access from their front boundary.

Controls

- 1. Vehicle access is to be consistent with Figure 2 – *Structure, Access and Views*.
- 2. Vehicle access to the Block is to be consolidated and all parking and servicing is to be functional, adequate and discrete.
- 3. Vehicle access to properties and carparking is to be provided off internal lanes and Wilga Street rather than primary street frontages to limit conflicts with pedestrian and cyclist activity.
- 4. ~~Additional Vehicle access from the Princes Highway and Collins Street is denied as shown in Figure 3.~~
- 5. Rear access to denied access properties with no existing access is to be provided from Wilga Street in a consolidated form. Figure 2 – *Structure, Access and Views* illustrates the desired arrangement.
- 6. Opportunities to remove existing vehicle access driveways from access denied locations is encouraged and should be prioritised.

iv. Lot Consolidation

Rationalisation of the lots across the Block through lot consolidation will result in a clearer structure, provide increased public benefit and deliver a variety of high-quality building forms. The following diagrams demonstrate preferred lot consolidations options for the Block to guide the application of the Alternative Height and FSR scheme with the Wollongong LEP 2009.

Objectives

- a. Allow large, consolidated lots the flexibility to sensitively distribute increased density as well as increased public benefit.
- b. Provide for a comprehensive development on the site which implements consistent urban design principles of the highest standard.
- c. Provide for well-planned and well located publicly accessible mid-block connections for active transport and vehicle movement.
- d. ~~To distribute additional height in a sensitive manner~~ order to protect the access of sunlight to open space areas both on the site and in the surrounding area.

Controls

- 1. ~~Preferred Lot consolidation arrangements are identified in is consistent with~~ Figure 3 – *Lot Consolidation Options*.
- ~~2.1. Protect the access of sunlight to open space areas both on the site and in the surrounding area.~~
- ~~3.2. Vehicle access and loading areas shall be consolidated to manage traffic generation from the site. Manage the traffic generation of the site and consolidate vehicular access and loading.~~
- ~~4.3. Lot frontages are to provide adequate width to allow buildings to provide for the efficient development of land and high-quality design of buildings.~~
- ~~5.4. Demonstrate that Lot consolidation does must~~ not result in isolated lots, or lots that are not able to redevelop.

Draft Wilga Street Block DCP



Figure 3 – Lot Consolidation Diagrams

v. Car Parking Requirements

Objectives

- Retain public access to parking on the Wilga Street Block to support retail offerings as well as visitation to, and use of, Memorial Park and the Corrimal Town Centre more broadly.
- Consolidate and integrate all new carparking to ensure increased useability.
- Provide car parking spaces that are adaptable to future uses.

Controls

- Carparking is to be provided in accordance with the requirements of DCP Chapter E3 Carparking, Access, Servicing/Loading Facilities and Traffic Management.
- The quantum of publicly accessible parking currently provided on Lot 5 DP 37769 is to be retained as part of any lot consolidation and or redevelopment of the site.
- Car parking spaces are to be integrated into the design of buildings.
- Car parking is not to be visible at ground level, or on any level up to street wall height, from any street frontage.
- ~~Ensure~~ Clear lines of sight and wayfinding to publicly accessible car parking spaces must be provided from surrounding streets, public spaces and uses within the Block.
- Access to and location of carparking within the Block should be aligned with the proposed structure as shown in Figure 2 – *Structure, Access and Views*.

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7.1.1.3 Built Form

Built form describes the collection of individual building design elements that contribute to the overall character and performance of the built environment. The Built form interface comprises of the boundary between the ~~internal program of a building~~ activity within the building and the public realm. The way buildings interface with the public domain has a direct influence on the urban character of the city, the accessibility and functionality of the building and the safety, amenity and quality of the public domain. Figure 4 shows the preferred built form interface for the block.



Figure 4 - Built Form interface *[editorial note: previous image replaced with current version]*

Draft Wilga Street Block DCP

i. ~~Ground Floor~~Front Building Line Setbacks

Objectives

- Provide space for street tree planting and landscaping.
- Provide space for pedestrian movement and staying activities.
- Maximise view corridors to significant landscape and built form to enable orientation and way-finding, ~~and finding~~ and protect and enhance the Town Centre's character.
- Provide a transition between the building forms on the Block and the street, Memorial Park and surrounding residential areas.
- Maintain a consistent building alignment fronting the public domain.

Controls

- ~~Front building line~~ Ground floor setbacks are to be provided as shown in Figure 4 - Built Form interface.
- ~~Commercial uses facing the Princes Highway and Collins Street are to have a 0m setback from the lot boundary.~~
- ~~2. Commercial uses facing Memorial Park are required to have a minimum 5m setback from the boundary. This setback is to be publicly accessible and allow for activities such as walking, outdoor dining and trading, and a range of street furniture.~~
- ~~3. Commercial and residential uses facing Wilga Street and Collins Street (to the extent shown on Figure 2) are required to have a minimum 5m landscaped setback. This setback is for private domain and is intended as a landscaped buffer to the adjacent parklands and/or residential neighbourhood. Where setbacks are to commercial uses non-residential uses, these should be publicly accessible.~~
- ~~4. All setbacks should be appropriate for context and the proposed land use. On Collins Street and Wilga Street, where it is expected that there may be a transition from commercial to residential at ground, proposed setbacks will be assessed on merit, with reference to the dominant setback of the street, the setback of the adjacent properties and the land use.~~
- ~~5. Any area with a setback to Memorial Park is to be designed in consultation with Council.~~

ii. Street wall frontage heights and upper level storey setbacks

Street frontage height means the vertical height in storeys of the part of the building closest to the lot boundary adjoining the public domain (e.g. street or open space).

Objectives

- Ensure a human scale interface with Memorial Park and the streets.
- Ensure a transition in height to surrounding low-scale areas.
- Protect the solar amenity of public spaces and streets.

Controls

- Buildings are to have a one (1) to two (2) storey street wall frontage height.
- Upper storeys are to be setback from the street frontage as shown in Figure 4. A range of upper storey setbacks are required to address different street and park interface conditions.
- ~~Princes Hwy and Collins Street (western end) — 1-2 storey street wall with a minimum 5m upper storey setback~~
- ~~Collins St (eastern end) and Wilga Street — 1-2 storey street wall with a minimum 2m upper storey setback (Note that these properties have a 5m ground floor setback).~~
- ~~4. Memorial Park — 1-2 storey street wall with an upper storey setback as required to meet the LEP Overshadowing controls.~~
- ~~5. Laneways and open air pedestrian through site links — 1-2 storey street wall with a minimum 2m upper storey setback above the street frontage height of the building.~~

iii. Side setbacks

Controls

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1. Any new building within this precinct may incorporate a zero side ground floor setback up to street wall height, except where a pedestrian through site link or lane is indicated in Figure 2 – Structure, Access.
2. A minimum 6 metre ground floor setback is required from the rear property boundary, where a site includes or abuts residential uses.
3. Upper-level side and rear setbacks are required to provide light and air to the street, adjacent open spaces and internal pedestrian links. 0m side or rear setbacks are not permitted above street wall height.

iv. Awnings

Awnings are roof structures that project over the footpath ~~in order to provide weather projection for passing pedestrians, entries to buildings and outdoor activities such as dining.~~ They encourage pedestrian activity along streets and, in conjunction with active edges, support and enhance the pedestrian experience.

Objectives

- a. Encourage pedestrian activity along streets, adjacent public open space, and within through-site connections to support and enhance the vitality of the Wilga Street Block.
- b. To provide weather projection for passing pedestrians, entries to buildings and outdoor activities such as dining.

Controls

1. Awnings are to be provided to the extent shown in Figure 4.
2. ~~all retail, business or mixed-use buildings as required by~~ Refer to 109.2.7-(2) of this Chapter (Chapter B4) for general controls in relation to awnings.
3. ~~Awnings are also required to all buildings facing Memorial Park, as shown in Figure 4.~~

v. Active frontages

Objectives

- ~~Development is to presents welcoming, engaging and active edges to streets and other public spaces particularly Memorial Park at ground floor and the street frontages of lower storeys.~~
- a. Building frontages contribute to the use, activity, safety and interest of Streets and Memorial Park.
 - b. Building frontages are to acknowledge and contribute to the character of streets and Memorial Park as defined under 7.1.1.1 Desired Future Character of the Wilga Street Block.

Controls

1. ~~Non-residential uses are to be provided on the ground floor~~ Development in the locations nominated on the Wollongong LEP 2009 Active Frontages map ~~and must also~~ comply with Clause 910.2.4 of this DCP Chapter.
2. Active frontages along Memorial Park:
 - a) Physical access to building frontages may be concentrated along the western half of the frontage to Memorial Park, where awnings are to be provided in accordance with Figure 5.
 - b) The eastern half of the building frontage must at a minimum provide visual access to the premises to enable users of the Park to see products and activity within. Premises along this section of the Park should consider how the layout of future development can be designed in order to maximise visual engagement in order to achieve Objective a of v Active Frontages.
- 2-3. ~~Opaque glazing, signage or graphics that substantially obstruct views into or out of the building do not meet the requirements of an active frontage.~~
- 3-1. ~~Building frontages are to acknowledge and contribute to the character of street as defined under Desired Future Character of the Wilga Street Block.~~

10.2.16 Residential Frontages at ground

(Note this clause is intended to be added to the B4 Part 10 General Controls Design Requirements for Retail and Business Premises Developments)

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Paired with ~~commercial-business~~ and retail uses, residential can contribute positively to the activation of streets by providing a clear street address, direct access from the street, passive surveillance on to the street and landscaping.

Objectives

- a. Residential frontages contribute to the use, activity, safety and interest of the public realm.
- b. Residential interfaces are high quality and durable and add value to the public domain.
- c. Development sets a fine-grain rhythm and character to residential streets.
- d. A diversity in housing types and architectural styles creates an interesting and varied streetscape.
- e. Residential development provides a clear distinction between private and public space.
- f. New development brings life to the street with individual entries to ground floor dwellings, to provide passive surveillance and opportunities for social interaction.
- g. Planting or landscaped areas visually extend open areas at the lower levels.

Controls

1. Ground ~~and first~~ floor residential uses ~~should be designed as split level apartments or two storey terrace houses with~~ have individual entries to the street.
2. Ground floor setbacks ~~should be designed to~~ provide privacy and amenity at ground with abundant, quality landscaping.
3. Residential at ground floor levels ~~should may~~ be raised ~~0.6—1.4m~~ above street level to provide visual privacy.
4. Basements are not to encroach forward of the building setback so that landscape areas can provide adequate ~~deep~~ soil volume for successful tree growth.
5. Building setbacks of new developments are to accommodate existing street trees.
6. Private open spaces addressing the street may be raised or at street level. The top of any fencing to ground floor private open space is not to exceed 1.5m above street level so as not to obstruct casual surveillance.
7. Locate communal access points to residential developments perpendicular to the street.
8. Dwellings are to be designed and laid out so that every 6m a dwelling, communal space or other high use space provides opportunities for direct surveillance of the adjacent street or public domain.
9. Provision for bin storage is to be provided in a concealed location which does not face the street.

Summary of Submissions – Wilga Street Block, Corrimal

Reference	Summary of Submission	Response
Quality Green Group Landowner Corrimal Park Mall	<p>The submission is opposed to the planning proposal in its exhibited form unless controls are significantly changed and simplified to facilitate redevelopment to their requirements. The submission provided several massing drawings to support the recommendations and demonstrate a range of built form outcomes. The matters raised included -</p>	<p>Opposition noted.</p>
	<p>1 Proposal introduces complexities that will inhibit development. Extending existing town centre controls is outdated and does not provide sufficient uplift and does not meet the provision in the Housing SEPP of 21m and 3:1.</p>	<p>The Planning proposal included a base control in keeping with the rest of the Town Centre. Alternative controls, triggered by lot consolidation and affordable housing, of up to 21m and 2:1 FSR are available for areas within the block where this density and massing can be developed whilst retaining a transition to the nearly low density residential, keeping a human scale to the high street, maintaining views along streets and minimising overshadowing of the Park. The Housing SEPP provides an alternative option for developers to access additional height and FSR bonuses in conjunction with providing affordable housing. These bonuses are a percentage of the height and FSR set by the prevailing LEP, up to 30%. The Housing SEPP bonus provisions would not offer a higher uplift than the PP in its current form. There is an EIE currently on exhibition which seeks comment on Heights of 21m and FSR of 3:1 within an around train stations and well located and serviced Centres. The alternative controls within the draft Planning Proposal are based on detailed analysis and testing and should not be compared to the blanket application of height and FSR controls across numerous locations across the State.</p>
	<p>Solar access controls to the playing fields are too onerous and inhibit development, the secondary field is an inappropriate use of CBD land</p>	<p>Overshadowing controls for the two grassed playing fields have been set to retain 4 hours of sunlight to 100% of the fields during mid-winter. This amount of solar radiation is considered a minimum to allow sufficient solar radiation to support the growth of turfed areas. Council's recreation planning and maintenance staff support this requirement as a minimum. External documentation (best practice reviews etc from other councils) also supports this approach. Council needs to consider open space needs at various scales and catchments based on current demand as well as into the future. It is recognised the current outside field does not have high usage rates in terms of formal bookings, however this may change into the future, particularly as population increases throughout the region. Maintaining solar access to the outside field enables the turfed playing surface to be maintained, as well as provides future flexibility for the use of the space, including higher usage rates as a field or another open space activity.</p>
	<p>Active frontages along the interface with the sport field and Wilga Street are inhibitive due to lack of pedestrian activity</p>	<p>The Wollongong LEP 2009 active frontage control (7.19) seeks to promote uses that attract pedestrian traffic along certain ground floor street frontages by requiring business and retail uses at ground, which interact with the street via physical and visual access. Clarification has been provided in the proposed DCP Amendment relating to the active frontages required facing Memorial Park. Uses with Physical access points (doors) are to be focused adjacent to Luke Place along the western half of the frontage. Along the</p>

Reference	Summary of Submission	Response
		eastern half of the frontage suitable building façade elements and visual access that meets the relevant LEP and DCP objectives may be provided.
	Setbacks and laneway impact only on the Corrimal Park Mall site and reduce flexibility for redevelopment	<p>Setbacks</p> <p>Draft setback requirements (ground and/or upper storey) apply to all lots. Setback requirements have been reviewed post exhibition. Setback requirements to Memorial Park have been amended to remove a specific numeric setback and are now written as outcome-based controls - requiring development to setback sufficiently to comply with the solar access requirements in the LEP. This will allow additional design flexibility for future development. Setbacks to Wilga Street have also been reviewed and now require a minimum 3m front building line landscaped setback, as opposed to the 5m exhibited.</p> <p>Laneways</p> <p>Pedestrian links have been identified to support permeability through the Wilga Street Block. The draft controls show these pedestrian and shared links impacting 5 different sites and landowners. Some links are proposed to be open air whilst others may be realised internally.</p>
	Site is a large landholding is strategic location within the Block and has been unreasonably impacted and constrained by the proposed controls more than other sites in within the Block	The subject site is situated on the northern edge of a large public open space. Controls drafted for the site have been informed by and respond to the surrounding context. Protection of solar access to Memorial Park is a key consideration which has been raised and upheld by community consultation throughout the life of the project, as well as being critical for the ongoing use and maintenance of the sporting fields
	Planning proposal is exhibited form will not enable feasible redevelopment of the site. Planning proposal does not deliver sufficient development yield and do not align with NSW Government reforms	Council is working through the actions in the Housing Strategy to improve housing availability and affordability. Development capacity on this site is being uplifted significantly in line with Urban Design analysis and testing and in respect to the Centre's place in the Centres Hierarchy. The planning proposal puts forward a place-based approach that seeks to facilitate a range of development options and public benefits on site. These options will have different feasibility metrics dependant on the land use mix and market conditions.
	Support change to zoning to remove anomalies across the block as these have been an impediment to development	Support for resolving anomalies (split zoning, minimum lot size and FSR controls) noted
	The future of the Council owned carpark is a limitation, and the planning proposal does not resolve or give certainty on this matter. Redevelopment can occur without lot consolidation.	Landownership and commercial arrangements for Council assets is not the subject of this Planning Proposal. The Planning Strategy provides the strategic justification to support the consolidation of the central Council owned lot with other lots on site. The Planning Proposal offers a robust set of controls which provides flexible land use and uplifted development capacity with or without lot consolidation. Should Council adopt the Planning Strategy, the strategic justification for lot consolidation will be affirmed.
	Provided overview of Low-and Mid-rise Housing EIE and TOD SEPP.	A 30m HOB and 3.5:1 FSR is not considered appropriate. Wollongong City Centre, Dapto and Warrawong are larger centres than Corrimal in the centres hierarchy and this is

Reference	Summary of Submission	Response
	<p>Expressed that there does not appear to be an appropriate graduation of height across the centres for Wollongong City Centre, Dapto or Warrawong, Fairy Meadow or Corrimal, and Thirroul.</p> <p>Expressed the development standards are too restrictive and recommended a 30m height of building and 3.5:1 FSR.</p> <p>Allow bonus provisions to incentive redevelopment of greater than 30m and 3.5:1 where amalgamation with Council car park is proposed, along with additional affordable housing.</p>	<p>reflected in the heights permitted. This planning proposal seeks to bring Wilga Street into alignment with the rest of Corrimal Centre and other Major Town Centres (15m or 16m) as well as facilitate pathway for additional height in certain circumstances. This is considered appropriate when viewed in the context of the Centres Hierarchy for Wollongong LGA.</p> <p>SJB architects tested options for the site with heights ranging between 15 and up to 35m. After testing, SJB recommended a maximum height of 22m across the QGG site. At this height, modelling of ground floor setbacks of 10m to Memorial Park, plus upper-level setbacks of 4m still showed overshadowing to the northern edge of the Memorial Park Field and Lukes Place Playground (Urban Design Study pg 87). This option also assumed lot consolidation with the Council owned lot and incorporated generous through site links (10m). Advice from the Local Planning panel informed the approach to providing base controls of 15m and alternative controls up to 21m (provided lot consolidation was undertaken to improve the structure of the Block and public benefit through affordable housing was achieved, and overshadowing controls were maintained). For this reason, Council have maintained a 15m base control (4 storeys), and a 21m (6 storeys) incentive control with the recommended requirements. No numeric setback controls have been prescribed for the southern boundary, in order to allow development to be designed in a number of ways whilst still meeting the overshadowing controls. Setback requirements to Memorial Park are now written as outcome-based controls - requiring development to setback sufficiently to comply with the solar access requirements in the LEP.</p> <p>The final form of Low- and Mid-Rise Housing changes and TOD SEPP are unknown at time of writing. Council will review centres as appropriate and in accordance with relevant strategic planning frameworks including the Centres Hierarchy, if and when these State reforms are finalised.</p>
	Active frontage and overshadowing provisions for Lukes Place Playground are supported.	Support noted.
	<p>Contest active frontage and overshadowing provisions for the adjacent sports fields.</p> <p>Expressed that the underlying intent of these controls appears reasonable, the resultant implications are significant as they compromise the viability of redevelopment. Request active frontages to Memorial Park and Wilga Street active frontages be removed as the sports grounds are not in use most of the time, will not attract pedestrian activity and will compromise servicing facilities for CPM located in Wilga Street at the rear.</p>	<p>Overshadowing</p> <p>Sufficient justification has not been provided to amend or remove the proposed overshadowing provisions as they apply to the Memorial Park Sporting Grounds - see additional comments relating to this issue above.</p> <p>More generally, the amenity of public open space should be maintained to ensure they remain useable places for people to recreate, particularly as the population the space serves increases.</p> <p>Active frontage</p> <p>The intent of the active frontage controls is to encourage additional activity in the public domain. No changes have been made to the active frontage mapping, however the DCP</p>

Reference	Summary of Submission	Response
		has clarified the application of this clause - see comments above. The LEP active frontage clause makes allowances for loading and servicing requirements for buildings.
	Revise DCP controls as currently too onerous to facilitate redevelopment. Ensure there is alignment between the proposed suite of LEP/DCP controls. This can only occur once there is clarity on final yield and potential for amalgamation with Council car park.	The DCP has been reviewed post-exhibition to ensure alignment between LEP provisions and DCP controls. The DCP has been simplified and clarifications have been made to support interpretation. Development can occur, subject to approval, with or without lot consolidation.
	Prepare a report to Council for next meeting independent of the planning proposal to endorse the amended WSB strategy, which will allow Council to commence investigations regarding the car park to provide clarity moving forward.	This report includes a recommendation to endorse the Planning Strategy.
	Continuation of key anchor tenant - full line supermarket with 3,500sqm floor plate.	The setback controls have been reviewed to allow greater flexibility in future development, this will assist in designing a floor plate for a large anchor tenant such as a full-line supermarket. Solar access and active frontage requirements have been retained. The LEP active frontage requirements do not require small tenancies facing a frontage (as shown in the 'Council' scheme supplied by the submitter) but instead require a 'business or retail use' with a frontage that 'enables direct visual and physical contact between the street or public open space and the interior of the building'. The amended DCP control further outlines that the concentration of physical openings can occur on the western half of the frontage, and at minimum visual access be provided along the eastern half of the frontage. Assessment of these matters is subject to a future development assessment process.
Community Group 1 - Corrimal Community Action Group	<p>Submission raised a number of matters -</p> <ol style="list-style-type: none"> 1 Commentary provided on current state of the Wilga Street block, and existing apartment buildings in Corrimal town centre 2 Submission questioned the future plans for the RSL, and notes that is an important part of the local community. Suggested the site could be used for entertainment or accommodation facilities, as there is a lack of these facilities in the northern suburbs. 3 Raised the importance of parking and noted that parking around the Wilga Street Block is used by the soccer fields and tennis courts. Notes that Lukes Place Playground is a safe place people travel from across the Illawarra to use. Notes the topography of the town can make it difficult to walk, and that there are limited westward connection via public transport. Requests more details on future parking arrangements includes whether it will be free, timed or paid. 4 Provided comment on the poor quality of development occurring in Corrimal in recent times. 	<ol style="list-style-type: none"> 1 Noted, the planning proposal seeks to enable the revitalisation of the block. 2 Hotel or motel accommodation is permitted with consent in the E1 Local Centre zone, as are entertainment facilities and function centres. The proposed changes will not prohibit these uses from occurring, noting any development will be subject to the relevant approval processes. 3 Future development will need to provide the appropriate amount of carparking in accordance with the relevant planning framework. The Wilga Street Planning Strategy includes a recommendation that any redevelopment involving Council's Land retains the existing quantum of carparking as publicly accessible car parking. A site-specific control has been added to the amended DCP to require this. 4 the planning proposal seeks to identify the Wilga Street Block as a key site, this will trigger the Design Excellence provisions in certain scenarios, with the intent to deliver a high standard of design. 5 A new provision is proposed to protect solar access to Memorial Park included Lukes Playground and the playing fields. Future development will need to respond to this requirement and ensure the open space is not overshadowed (as per requirements of clause)

Reference	Summary of Submission	Response
	<p>5 State that a 15m height limit is in keeping with the rest of the town centre but noted that raising the height could create a challenge in maintaining views and ensuring memorial park is not overshadowed.</p> <p>Seeks more information on the proposed local provision to allow additional height and FSR in certain scenarios for certain land.</p> <p>6 Proposed height of building is unclear between height in stories and in metres. Higher height controls at the entry points to the Centre is questioned.</p> <p>7 Requests the traffic assessment be updated to account for growth in the area.</p> <p>8 Potential loss of Service NSW and the Post office would have a negative impact.</p> <p>9 There is conflict between increasing height and maintaining views to the Escarpment. Expressed that views to the escarpment are as important to Corrimal residents as other areas.</p> <p>10 Affordable housing could be provided.</p> <p>11 the impact of climate change will need to be considered when addressing flooding matters.</p> <p>12 Queried whether the NSW Government being the consent authority could negate other positive proposals of the site.</p>	<p>The location of bonus height has been distributed across the site to minimise overshadowing; the final drafting of the clause will be undertaken by Parliamentary Counsel Office.</p> <p>6 The documents exhibited included two different ways of measuring building height. The Local Environmental Plan limits building height using meters. The Development Control Plan provides more nuance and speaks to height in storeys in controls such as street wall heights.</p> <p>7 The traffic study is based on current traffic data and accounts for future potential uplift within the Wilga Street Block for both residential and non-residential uses.</p> <p>8 The importance of this is recognised, and the planning proposal does not prohibit these uses. Council does not have a role in current or future tenancy agreements for private property.</p> <p>9 The importance of the views to the escarpment are acknowledged in the planning strategy and proposed DCP controls. Distribution of height breaks between buildings and other design responses have been incorporated into the DCP controls with the aim to frame and protect public views to the escarpment.</p> <p>10 The planning proposal seeks to allow additional height if affordable housing is provided. Further NSW Government reforms provide other incentives for developments to include an affordable housing component.</p> <p>11 The Flood Impact and Risk Assessment for the Wilga Street Block acknowledges that "Council's adopted Towradgi Creek FRMS & Plan (2023) recommends new flood planning controls that are considerate of current best practice, including the incorporation of climate change factors".</p> <p>12 Should the planning proposal progress to finalisation the Department of Planning & Environment will undertake the statutory functions to make the amendment to the Wollongong Local Environmental Plan 2009. The planning proposal process does not approve development for physical works. Future development applications will be assessed and determined by the relevant consent authority based on relevant planning legislation in place at time of lodgement</p>
Community Member 1	<p>The submission generally provided support for -</p> <ul style="list-style-type: none"> • The revitalisation of the Corrimal Mall and future development opening onto Memorial Park. • Increased walking and cycling connections. <p>Made observation that the Wilga Street cul-de-sac currently feels unsafe when using pedestrian bridge to access Corrimal Town Centre.</p>	<p>Support of revitalisation, increased connectivity and increased passive surveillance is noted.</p>
Community Member 2	<p>The submission did not indicate support or opposition but expressed that more places to and infrastructure for skate boarding should be included.</p>	<p>Investigation into potential integration of skate infrastructure is outside of scope.</p>

Reference	Summary of Submission	Response
		This submission has been passed on to Council's Sport and Recreation Division for consideration.
Community Member 3	The submission was neutral to the proposal but expressed the need to maintain parking, particularly accessible parking, as it is currently hard to find parking in Corrimal.	Future development will need to provide the appropriate amount of carparking in accordance with the relevant planning framework, this includes the required number of accessible parking spaces. The Wilga Street Planning Strategy includes a recommendation that any redevelopment involving Council's Land retains the existing quantum of carparking as publicly accessible car parking. A site-specific control has been added to the amended DCP to require this.
Community Member 4	The submission did not indicate support or opposition and raised the following matters - <ul style="list-style-type: none"> • The potential of site is not fully realised. Centre of the site could accommodate a taller slimmer building with minimal overshadowing impacts on retail to south, east and west. • Two storey height noted as appropriate along Collins Street due to development type • The centre of the site should prioritise creating homes, retail, and community spaces supported by parking and landscaping • 15m height limit in a key location is impractical where mixed use is appropriate. • Taller development could have the potential to provide affordable housing. 	It is acknowledged that the Wilga Street Block is a key site within the Corrimal Town Centre, this is reflected in the Corrimal Town Centre Plan. A 15m height limit is consistent framework in place for the broader Corrimal Town Centre. Support for the two-storey interface with Collins Street noted, and this control has been maintained within the draft DCP amendment. Changes to <i>State Environmental Planning Policy (Housing) 2021</i> introduced by the NSW Government allow for developers to access additional Height and Floor Space Ratio in certain circumstances where they provide affordable housing. Taller development does have the potential to provide additional housing yield, however this proposal seeks to balance yield with other factors such as maintaining solar access to the adjacent open space. The Proposal seeks to maintain the amenity and quality of open space, particularly in locations where population is expected to increase and with that increases demand on Council's open space network.
Community Member 5	The submission was opposed to the proposal for the following reason: <ul style="list-style-type: none"> • Increased development is not sustainable on the site as it will increase traffic congestion, alter the low-rise residential character and it is too far from the train station. • 50% affordable housing should be provided 	Opposition noted. The proposal seeks to balance and guide appropriate development in the context of a Major Town. The proposed height will bring the site into alignment with the broader town centre, whilst introducing additional controls to protect Memorial Park from overshadowing and guide an improved built form outcome. The provision rate of affordable housing is subject to the approval pathway. Affordable housing requirements need to be balanced with development feasibility, and a 50% requirement is considered too onerous for general development at this point in time.
Community Member 6	The submission generally supported the proposal, in particular the following components - <ul style="list-style-type: none"> • Includes overshadowing provisions. • Shop fronts to Princes Highway and memorial park are preferred to the current inward-facing development. 	Support of overshadowing, and active frontages noted
Community Member 7	The submission supported the proposal and encouraged flexibility in zoning requirements where favourable community outcomes can be demonstrated, such	Support noted.

Reference	Summary of Submission	Response
	as theatre spaces, hotel or motel accommodation, and specialist services for the veteran community.	Flexibility is provided through the bonus provisions to allow additional height and FSR in certain circumstances. As previously noted, bonus provisions available via State Environmental Planning Policy (Housing) 2021 may offer additional flexibility where affordable housing is provided. A range of land uses are permitted with consent within the E1 Local Centre zone and would be subject to the relevant approval processes.
Community Member 8	<p>The submission supported the proposal, and raises the following matters -</p> <ul style="list-style-type: none"> • Higher density could be provided as there is a need to supply additional housing. • Wilga Street Block could facilitate housing where people do not need to rely on private vehicle. • Increasing housing density can create increased amenity which outweighs any derision for tall buildings 	<p>Support noted.</p> <p>Council recognises the need to facilitate additional housing and is doing so in alignment with the Wollongong Housing Strategy (2023). Further, additional density may be available as a result of NSW Government reforms which seek to facilitate additional housing in key location or when affordable housing is provided. This proposal seeks to balance growth with positive place-based outcomes.</p>
Community Member 9	<p>The submission generally supported the proposal and raised several matters -</p> <ol style="list-style-type: none"> 1 Questions the future plans for the RSL Club as the community needs a place for meetings, socialising, restaurants and rehearsal spaces. 2 Expresses the importance of maintaining Service NSW and the Post Office within any future development 3 Visitor accommodation should be considered as part of any redevelopment as it is lacking in the northern suburbs. 4 Limited cultural, exhibition and performance spaces are available in the Northern Suburbs. The redevelopment should provide these services/spaces. 5 Public parking that is free and accessible must be maintained and expanded within the redevelopment. Loss of parking on Underwood Street has had a negative impact on the town centre. The existing Wilga Street carpark is used by a variety of visitors. 6 Supports the revitalisation of area, in particular the active frontages to Memorial Park and potential for redevelopment to create a meeting place for the community with urban canopy. 	<ol style="list-style-type: none"> 1 This planning proposal does not prohibit the RSL from redeveloping the site for various uses, subject to the relevant approval processes. 2 The importance of this is recognised, and the planning proposal does not prohibit these uses. Council does not have a role in current or future tenancy agreements for private property. 3 Hotel and motel accommodation is a permitted use within the E1 Local Centre Zone. 4 Whilst these issues are valid it is acknowledged the planning proposal does not dictate specific uses or redevelopment. The planning proposal seeks to create a framework that will enable the revitalisation of the block into a mixed-use precinct. A wide range of land uses are permitted with consent and would be subject to the relevant development processes and approval pathways. 5 The loss of parking on Underwood Street is acknowledged. Any redevelopment of the site would need to provide parking in accordance with the Wollongong DCP or relevant planning document. The future use of the Council owned Wilga Street Carpark is subject to probity arrangements, and separate Council processes. The Wilga Street Planning Strategy includes a recommendation that any redevelopment involving Council's Land retains the existing quantum of carparking as publicly accessible car parking. A site-specific control has been added to the amended DCP to require this. 6 Support is acknowledged, active frontages have been maintained to Memorial Park.
Endeavour Energy	Endeavour Energy raised several technical requirements that will need to be considered and complied with if development occurred. Endeavour Energy's Asset Planning & Performance Branch noted that there does not appear to be any significant network issues, acknowledging that a detailed assessment has not been	<p>Endeavour Energy did not object to the planning proposal.</p> <p>Matters relating to electricity supply and upgrades can be appropriately dealt with through the development application processes.</p>

Reference	Summary of Submission	Response
	undertaken and that future development may need to extend and augment the network as per normal customer connection process. 12x routine attachments were also provided.	
NSW State Emergency Service (SES)	<p>SES noted that -</p> <ul style="list-style-type: none"> Note the Wilga Street Block is located within the Towradgi Creek Catchment and is considered partially flood affected in the northeastern and southwestern corners of the site in the 1% AEP and PMF flood events¹. As the site is subject to flash flooding, there would be little warning time prior to the onset of flooding. Recommend considering site design to increase access and egress for occupants, visitors and emergency services during a flood event and reduce the risk of people entering flood water. Recommend seeking advice from the Biodiversity Conservation Division of the Department of Planning and Environment regarding filling requirements of the north-eastern corner proposed in the Flood Impact and Risk Assessment including to understand any impact the bulk earthworks will have on the site and adjacent communities. 	<p>SES did not object to the planning proposal.</p> <p>Comments noted. Design of future redevelopment will need to consider Chapter E13 of the WDCP and any other flood response requirements in place at time of lodgement.</p> <p>Advice was sought from BCD as per recommendation - see BCD commentary below.</p>
Department of Planning and Environment - Biodiversity Conservation Division	DPE-BCD acknowledged the submitted FIRA that the inconsistencies with Local Planning Direction 4.1 are of minor consequence and can be addressed through the development application process.	<p>DPE-BCD did not object to the planning proposal.</p> <p>Feedback noted, future development on the site will need to comply with the relevant LEP and DCP controls.</p>
Illawarra Shoalhaven Local Health District – Healthy Built Environments	<p>As outlined in the Draft Wilga Street Block Planning Strategy, ISLHD strongly supports the development of social infrastructure that -</p> <ul style="list-style-type: none"> Provides access to a range of facilities to attract and support a diverse population. Responds to existing and projected community needs and current gaps in facilities and services. Provides an improved pedestrian experience and prioritises a walkable neighbourhood. Promotes an integrated approach to social infrastructure planning. Maximises efficiencies in social infrastructure planning and provision 	ISLHD did not object to the planning proposal and provided a range of evidence-based recommendations.

Reference	Summary of Submission	Response
	<p>Rates of violence and poorer health outcomes increase as the density of alcohol outlets increases in an area, evidence suggests that cessation of late-night sales of alcohol can reduce violence.</p> <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> • Ensure diversity of businesses to improve community safety and amenity. <p>Studies suggests that diversity of business types is important for overall user safety and amenity. A review of small bars in central Sydney and suburban and regional NSW concluded they had lower rates of alcohol-related violence and added to night-time entertainment options.</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • Restrict single business types that sell packaged alcohol. • Ensure diversity of businesses to improve community safety and amenity. 	<p>Diversity of business types is acknowledged as important. This proposal does not seek to limit to the types of business' permissible within the Block. The issuing of liquor licences (packaged or otherwise) is not a function of Council. Liquor & Gaming NSW oversees the management and issuing of liquor licences across NSW.</p>
	<p>Affordable, secure housing encourages healthier, more diverse communities. Home ownership may have psycho-social benefits.</p> <p>High and medium density residential development close to services and transport options allows residents to walk or cycle to destinations, for a variety of purposes, instead of relying on private motor vehicles.</p> <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> • Encourage housing that is adaptable and accessible and allows older people to age in place. • Further stipulate the proportion of affordable and single bedroom dwellings, in relation to other dwelling types. This is particularly relevant for recruiting and retaining key health workers to meet the need of a growing population. 	<p>The proposal seeks to enable the revitalisation of the Block and encourage housing. WDCP includes controls on the mix of apartment sizes for residential flat building involving ten or more dwellings both in floor area and bedrooms. This includes a minimum amount of one bedroom or studio apartments. Further the proposal also seeks to introduce bonus provisions to encourage the delivery of affordable housing. The NSW Government is also reviewing and has made changes to the policy setting which aim to deliver more affordable housing.</p>
	<p>Public open spaces should be safe, accessible, attractive, and easy to maintain. Greening streets, vacant lots and informal spaces supports health outcomes.</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • Ensure that open space design encourages walking and cycling as well as sports. • Design features can encourage dog owners to use parks. • Include a range of park features which encourage use by children and parents. • Provide natural and built shade and drinking water facilities to reduce skin cancer risk and reduce heat stress. • Ensure smoke-free environments to protect against harmful second-hand smoke and have alcohol bans in public spaces. • Provide a safe and appropriate space for breastfeeding mothers. 	<p>The importance of quality open space is recognised; however this proposal does not seek to change the design or use of the adjoining open space. The planning proposal does however seek to include controls that aim to protect solar access to the open space to ensure amenity and functionality is maintained. Further, the DCP amendment includes controls that identify the location of through site links (to encourage permeability and connection), awnings, and landscaping.</p> <p>Chapter B4 of the Wollongong DCP includes controls which identifies types and scales of development that must provide parenting and breastfeeding spaces. These controls are being considered as part of the broader review of Chapter B4 of the DCP, and this submission has been provided to the project team.</p>

Reference	Summary of Submission	Response
	<p>Increasing the proportion of healthy food stores such as supermarkets and greengrocers can lead people to buy more fruit and vegetables. Food choices are affected by the types of food outlets located near the home as well as the distance and location of healthy and non-healthy food outlets.</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • Restrict single business types (e.g., large hotels and pubs) • Restrict Food and Drink premises with drive through facilities. • Prevent unsuitable chain takeaway food and packaged liquor outlets. • Preference fresh produce shops and / or a small supermarket, to provide for the weekly fresh produce needs of the surrounding residential community. • Allow the establishment of community gardens and market gardens. 	<p>The proposed controls seek to enable a full line supermarket within the block. The control in the DCP have been reviewed post exhibition to support this outcome. The proposed amendments do not restrict large hotels/pubs, drive through food and drink premises, takeaway food and drink premises or packaged liquor outlets. This proposal does not seek to limit to the types of business' permissible within the Block. The issuing of liquor licences (packaged or otherwise) is not a function of Council. Liquor & Gaming NSW oversees the management and issuing of liquor licences across NSW.</p>
	<p>Careful design can reduce car dependency and encourage active transport. Reducing traffic speeds has been demonstrated to result in fewer minor, severe and fatal injuries among both pedestrians and cyclists. It is suggested that for pedestrians an impact speed of 30km/h has on average a risk of fatality of 5%, while an impact speed of 40km/h increases fatality risk to 13% and at 50km/h it increases to 29%.</p> <p>Access to public transport, higher residential densities close to local destinations, shops, services and connected, well-designed streets and pathways also increase rates of walking and cycling.</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • Proposed 10km/h shared zone on Wilga Street and proposed 30km/h high pedestrian activity area along Collins St and the Princes Hwy. • Improve accessibility to and around the block by walking and cycling, by ensuring a connected network of paths, both during construction and at completion. • Link to, and compliment, existing active and public transport infrastructure. • Encourage active transport routes by increasing the number of bike racks and secure storage available and provide clear signage of where these end of trip facilities are located. • Include charging points for e-bikes. 	<p>The Wilga Street Block is well located within the Corrimal Town Centre to encourage walking and cycling, it is also located near public transport routes and Corrimal Train Station.</p> <p>End of trip facilities, signage and chargers for e-bikes has been noted and will be considered as part of the broader review of Chapter B4 currently being undertaken.</p> <p>Appropriate speed limits cannot be determined via a planning proposal process, this comment has been provided to the Transport Team within Council for consideration.</p>
	<p>Council should prioritise pedestrians and cyclists, and should create environments that encourage walking and cycling.</p> <p>Street crossings, including side streets and driveways, can be a challenge to walking and cycling and intersections with wide streets often have high pedestrian</p>	<p>Whilst acknowledged as important, changes to walking and cycling infrastructure within the road reserve is subject to separate processes.</p> <p>This comment has been provided to the Transport Team within Council for consideration</p>

Reference	Summary of Submission	Response
	<p>crash rates. Prioritisation of pedestrians and providing sufficient time to cross at signalised intersections results in fewer pedestrian deaths and injuries.</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • Introduce scramble crossings, with an automatic pedestrian phase and pedestrian countdown timers, at signalised crossings at the corners of Princes Highway and Collins Street and Princes Highway and Railway Street. • A raised priority crossing to increase visibility and reduce vehicle speeds at the potential conflict point. This also removes the need for kerb ramps which can be difficult to negotiate for some people with mobility impairment. • Continuous coloured pavement on the shared pathway across the intersection. • Surface treatments including tactile and visual cues to indicate and warn of upcoming intersection. • Appropriate scale lighting. • Increased regulatory signage and clear line marking to indicate to motorists they are required to give way to pedestrians and cyclists where driveways and entrances to businesses cross the shared pathway. This prioritises pedestrians and cyclists and prevents the need for users of the shared path having to stop at each driveway. Prioritising pedestrians and cyclists over motorists increase their use of infrastructure. 	
	<p>For people who live in apartments and units, moving and storage of bicycles can be difficult. The current draft plan parking solely refers to carparking and misses an important opportunity to further support people's decision to cycle for short trips by providing easily accessible bicycle parking. The convenience of dedicated bicycle parking in the residential parking area removes a further barrier to choosing active transport, particularly for women, older adults and children.</p> <p>Provision of safe and secure cycle parking reinforces the preference of cycling as an alternative to private motor vehicle ownership. In addition, it is consistent with Wollongong's Cycling Strategy 2030.</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • Require a minimum amount of space for secure and covered bicycle parking in the internal and/or basement residential parking area. 	<p>The design of residential apartments is guided by the Apartment Design Guide that applies statewide to (in general terms) Residential Flat Buildings and residential components of Shop Top Housing. The ADG includes guidance on bicycle parking.</p> <p>This comment has also been provided to the Transport Team within Council for consideration</p>
Sydney Water	<p>Growth Data</p> <p>Supports government-backed growth initiation within operation areas and endeavours to provide services in a timely manner that delivers cost effective infrastructures whilst not impact current service levels.</p>	<p>Growth Data</p> <p>It is acknowledged that advice provided by Sydney Water is general and nature. Growth data will be provided to Sydney Water if the Planning Proposal progresses - noting. development outcomes and timing is subject to various landowners, development intent and other market forces.</p>

Reference	Summary of Submission	Response
	<p>Sydney Water requested growth data be provided to enable a realistic indication of demand and timescale.</p> <p>Water and Wastewater</p> <p>Water and wastewater system should have adequate capacity to service the proposed development at this time.</p> <p>Amplification, divisions, and/or minor extensions may be required.</p> <p>Preliminary assessment has identified a non-compliant overflow downstream issue. Future redevelopment of the block is not to further exacerbate this issue, and development may need to hold the wastewater in internal storage tank during high storm events and release when storms passed. Further detailed requirements to be provided at future referral stages once growth and staging is understood further.</p> <p>Asset protection</p> <p>Site is burdened by several wastewater mains. Future development should consider the Technical Guidelines for building over/adjacent to Sydney Water Assets when developing design plans and engage a Water Servicing Coordinator to understand any additional work required.</p> <p>General</p> <p>The development servicing advice provided is not formal approval of our servicing requirements and is based on the best available information at the time of referral (e.g. planning proposal). It is important to note that this information can evolve over time in tandem with the progression of other development projects in the catchment, changes within the local systems and receiving works. This is particularly important in systems with limited capacity. Furthermore, Sydney Water does not reserve or hold capacity for proposed developments, regardless of whether the area has been rezoned or not. To ensure accuracy and alignment with current conditions, it is best to approach Sydney Water for an updated capacity assessment particularly if an approval letter is more than 12 months old</p>	<p>Water and Wastewater</p> <p>Sydney Water is a key referral body during the DA process. Prior to any future approval capacity will need to be confirmed and the need for any amplification, division or extensions identified. Exact requirements will be dependent on the form, and type of development proposed for a site/s.</p> <p>Asset protection</p> <p>This is noted - future development will need to respond appropriately to water infrastructure within or near the site. This can be managed through the development assessment process.</p> <p>General</p> <p>It is acknowledged that this advice is not formal approval of servicing, and that servicing agreements will be subject to future arrangements.</p>
Transport for NSW (TfNSW)	<p>TfNSW acknowledged that Wilga Street Block is well located to benefit from existing public and active transport links. TfNSW noted the following matters for consideration -</p> <ul style="list-style-type: none"> a Minimise trip demand. Acknowledges the existing DCP allows for 30% maximum cumulative reduction for residential parking and recommends that appropriate provisions are included in the site specific DCP to ensure that future residential carparking adopts the maximum reduction. b Maximise the attractiveness of walking cycling and public transport <p>Notes the internal layout provides good connectivity to pedestrian desire lines.</p>	<p>TfNSW did not object to the planning proposal.</p> <ul style="list-style-type: none"> a Carparking requirements set out in the Wollongong DCP will continue to apply as relevant to any future development. b This comment has been passed onto the relevant team for consideration. c The intersection for assessment were selected based on what would be typically assessed for Development Application Traffic Impact Assessment. The intersections of Rothery Street/Memorial Drive and Railway Street/Memorial drive are more remote than what would typically be included.

Reference	Summary of Submission	Response
	<p>Recommends consideration should be given to walking and cycling treatments beyond the PP site to support a mode shift. Specifically,</p> <ul style="list-style-type: none"> i Provide a shared path connection from the site to the Wollongong Shared Path network as an opportunity for alternative transit link to Corrimal Train Station, Corrimal High School and Wollongong and ii Review the opportunity for a pedestrian treatment on Railway Street to provide a crossing location on the desire line between Memorial Park and the Corrimal District Community Centre. <p>c Traffic Impact Assessment</p> <p>Noted concern that the TIA has not assessed the impact on Memorial Drive.</p>	

ITEM 4 POLICY REVIEW - CODES OF CONDUCT

A review of the Code of Conduct has recently been undertaken as part of Council's regular review of policies as part of the Council Policy Framework. The review has identified a number of enhancements to the Code of Conduct which are discussed below.

RECOMMENDATION

That Council place updated drafts of the following codes of conduct on public exhibition for a period of 21 days, inviting submissions from the public, after which time the Codes shall be reported back to Council for adoption with a summary of submissions received:

- a Draft Code of Conduct for Staff
- b Draft Code of Conduct for Councillors
- c Draft Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers

REPORT AUTHORISATIONS

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ATTACHMENTS

- 1 Draft Code of Conduct - Staff
- 2 Draft Code Of Conduct - Councillors

BACKGROUND

Council currently has a set of adopted codes of conduct that relate to Staff, Councillors as well as Committee Members, Delegates and Advisors. A recent review of the codes of conduct has identified several enhancements to the Code of Conduct to improve its robustness and bringing it into line with contemporary behavioural expectations.

PROPOSAL

The Draft Code of Conduct has been updated to incorporate changes that reflect more clarified expectations of staff in several key areas, such as bullying and harassment, sexual harassment, secondary employment and gifts and benefits.

A summary of the most significant changes to the policy and their rationale is provided below:

Policy Section	Proposed Change	Rationale
Part 3 General Conduct obligations	New clause requiring all Council officials that become aware of harassment or discrimination to report the alleged conduct.	There are already requirements to report WHS and Child Protection related matters. Extending this requirement to all areas of conduct will ensure that matters are dealt with as soon as possible.
Part 3 General Conduct obligations	A new section, inclusive of four clauses, relating to sexual harassment as being prohibited. Clauses include definitions of sexual harassment as well as a requirement to report any sexual harassment an officer becomes aware of.	<ul style="list-style-type: none"> The current model Code of Conduct released by the OLG does not specifically mention sexual harassment and relies upon the general non-harassment clauses. Council has a zero-tolerance approach to sexual harassment and to match community and staff expectations in this area it considered appropriate to have specific clauses outlining and prohibiting sexual harassment. Ensure compliance with the positive duty requirements under the <i>Sex Discrimination Act 1984</i> (Cth)

Part 3 General Conduct obligations	New clause requiring all Council officials that become aware of bullying to report the alleged conduct.	There are already requirements to report WHS and Child Protection related matters. Extending this requirement to all areas of conduct will ensure that matters are dealt with as soon as possible.
Part 5 Non-Pecuniary Conflicts of Interest	New clause in relation to secondary employment that prohibits a member of staff in an office bearer role or a decision-making role in a voluntary capacity in another organisation unless they have notified the General Manager in writing.	Secondary Employment provisions in the Code of Conduct at present only relate to paid employment. Board/Committee positions in community or industry organisations as well as charities may also generate conflicts of interest that should be declared and managed similar to paid secondary employment.
Part 6 Personal Benefit	Clause 6.7 (g) of the current codes state that council officials cannot personally benefit from reward points programs when purchasing on behalf of the Council. It is proposed to add a clarifying statement to state that this includes frequent flyer programs when Council has met the cost of travel.	The expanded wording does not change the intent of the clause, but attempts to make it more clear that frequent flyer points cannot be accumulated on Council business.

Updated draft versions of the *Code of Conduct for Staff* and the *Code of Conduct for Councillors* are attached to this report. Those new clauses that are relevant to the *Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers* will be incorporated and placed on public exhibition.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 4. 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

CONCLUSION

The draft codes of conduct have been updated to include a number of changes that provide greater clarity and explanation to Council Officials in relation to in several key areas, such as bullying and harassment, sexual harassment, secondary employment and gifts and benefits.

WOLLONGONG CITY COUNCIL

CODE OF CONDUCT

STAFF

DRAFT MARCH 2024



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



This Code of Conduct applies to members of Council staff, including the General Manager. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for Council officials. It is prescribed by regulation to assist Council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every Council (including County Councils) and Joint Organisation to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct. Council's or Joint Organisation's adopted Code of Conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "Council officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory committees).

Council's adopted Code of Conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, Council may adopt a Code of Conduct with requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, Administrators, members of staff of Council, delegates of Council, (including members of Council Committees that are delegates of Council) and any other person a Council's adopted Code of Conduct applies to, must comply with the applicable provisions of the Council's Code of Conduct. It is the personal responsibility of Council officials to comply with the standards in the Code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.

Note: References in this Code of Conduct to Councils are also to be taken as references to County Councils and Joint Organisations.

Council Values

Wollongong City Council has defined organisational values to support our purpose of creating an Extraordinary Wollongong. These are :

Respect - inclusive and considerate

Sustainable - use our community's resources responsibly

Courage - challenge the norm to be better

Integrity - honest and reliable

One Team - together we deliver excellent service

Our values are not meant to be just words on a page. They are part of everything we do every day. Our values are evident in this document by graphics that represent each value appearing on the cover page and each chapter page in the Code of Conduct.

Part 2: Definitions



In this Code the following terms have the following meanings:

Committee	see the definition of "Council Committee"
Administrator	an administrator of a Council appointed under the LGA other than an Administrator appointed under section 66
Committee	See the Definition of "Council Committee"
complaint	a Code of Conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
Council	Wollongong City Council
Council Committee	a Committee established by Council comprising of Councillors, staff or other persons that Council has delegated functions to and Council's Audit, Risk and Improvement Committee
Council Committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council Committee other than a wholly advisory Committee, and a person other than a Councillor who is a member of the Council's Audit, Risk and Improvement Committee
Council official	includes Councillors, members of staff of Council, Administrators, Council Committee members, delegates of Council and, for the purposes of clause 4.16 of the Model Code of Conduct, Council advisers
Councillor	any person elected or appointed to civic office, including the Lord Mayor and includes members and chairpersons of County Councils and voting representatives of the boards of Joint Organisations and chairpersons of Joint Organisations
delegate of Council	a person (other than a Councillor or member of staff of Council) or body, and the individual members of that body, to whom a function of Council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes Council, state and federal election campaigns
Joint Organisation	a Joint Organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a County Council or a Joint Organisation
members of staff of a Council	includes members of staff of County Councils and Joint Organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
wholly advisory Committee	a Council Committee that the Council has not delegated any functions to.

The term "you" used in this Code of Conduct refers to members of Council staff.

Part 3: General Conduct Obligations



General conduct

- 3.1. You must not conduct yourself in a manner that:
- a is likely to bring the Council or other Council officials into disrepute
 - b is contrary to statutory requirements or Council's administrative requirements or policies
 - c is improper or unethical
 - d is an abuse of power
 - e causes, comprises or involves intimidation or verbal abuse
 - f involves the misuse of your position to obtain a private benefit
 - g constitutes harassment or bullying behaviour under this Code or is unlawfully discriminatory.
- 3.2. You must act lawfully and honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439).
- [Model Code]

Fairness and equity

- 3.3. You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4. You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5. An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.
- [Model Code]

Harassment and discrimination

- 3.6. You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

- 3.7. For the purposes of this Code, "harassment" is any form of behaviour towards a person that:
- a is not wanted by the person,
 - b offends, humiliates or intimidates the person, and
 - c creates a hostile environment.
- [Model Code]

- 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 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



What is a pecuniary interest?

- 4.1. A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2. You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3. For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - a your interest, or
 - b the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4. For the purposes of clause 4.3:
 - a Your "relative" is any of the following:
 - i your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - b "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5. You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
 - a if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b just because the person is a member of, or is employed by, a Council or a statutory body, or is employed by the Crown, or
 - c just because the person is a member of, or a delegate of a Council to, a company or other body that has a

pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

[Model Code]

What interests do not have to be disclosed?

- 4.6. You do not have to disclose the following interests for the purposes of this Part:
 - a your interest as an elector
 - b your interest as a ratepayer or person liable to pay a charge
 - c an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Code
 - d an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Code
 - e an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - g an interest you have arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the Committee) of the association, or is a partner of the partnership
 - h an interest you have arising from the making by the Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as

have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:

- i the performance by the Council at the expense of your relative of any work or service in connection with roads or sanitation
- ii security for damage to footpaths or roads
- iii any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council, or by or under any contract
- i an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- j an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Council Committee member.

4.7. For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

[Model Code]

What disclosures must be made by a designated person?

4.8. Designated persons include:

- a the General Manager
- b other Senior Staff of the Council for the purposes of section 332 of the LGA
- c a person (other than a member of the Senior Staff of the Council) who is a member of staff of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff and the person's private interest.
- d a person (other than a member of the senior staff of Council) who is a member of a Committee of the Council identified by Council as a Committee whose members are designated persons because the functions of the Committee involve the exercise of the Council's functions (such as regulatory

functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the Committee and the member's private interest.

4.9. A designated person:

- a must prepare and submit written returns of interests in accordance with clause 4.18, and
- b must disclose pecuniary interests in accordance with clause 4.10.

4.10. A designated person must disclose in writing to the General Manager (or if the person is the General Manager, to the Council) the nature of any pecuniary interest the person has in any Council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11. Clause 4.10 does not require a designated person who is a member of staff of the Council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12. The General Manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13. A disclosure by the General Manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Council and the Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

[Model Code]

What disclosures must be made by Council staff other than designated persons?

4.14. A member of staff of Council, other than a designated person, must disclose in writing to their manager or the General Manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

4.15. The staff member's manager or the General Manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

[Model Code]

What disclosures must be made by a Council Committee member?

- 4.16. A Council Committee member must disclose pecuniary interests in accordance with clause 4.25 and comply with clause 4.26.
- 4.17. For the purposes of clause 4.16, a "Council Committee member" includes a member of staff of Council who is a member of the Committee.

[Model Code]

Disclosure of interests in written returns

- 4.18. A designated person must make and lodge with the General Manager a return in the form set out in Schedule 2 to this Code, disclosing the designated person's interests as specified in Schedule 1 to this Code within 3 months after:
- a becoming a designated person, and
 - b 30 June of each year, and
 - c the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.19. A person need not make and lodge a return under clause 4.18, paragraphs (a) and (b) if:
- a they made and lodged a return under that clause in the preceding 3 months, or
 - b they have ceased to be a designated person in the preceding 3 months.
- 4.20. A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.21. The General Manager must keep a register of returns required to be made and lodged with the General Manager.
- 4.22. Returns required to be lodged with the General Manager under clause 4.18(a) and (b), or a register of such returns, must be tabled at the first meeting of the Council after the last day the return is required to be lodged.
- 4.23. Returns required to be lodged with the General Manager under clause 4.18(c), or a register of such returns, must be tabled at the next Council meeting after the return is lodged.
- 4.24. Information contained in returns made and lodged under clause 4.18 is to be made

publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any guidelines issued by the Information Commissioner.

[Model Code]

Disclosure of pecuniary interests at meetings

- 4.25. A Council Committee member, who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.26. The Council Committee member must not be present at, or in sight of, the meeting of the Council or Committee:
- a at any time during which the matter is being considered or discussed by the Committee, or
 - b at any time during which the Committee is voting on any question in relation to the matter.
- 4.27. A disclosure made at a meeting of a Council Committee must be recorded in the minutes of the meeting.
- 4.28. A general notice may be given to the General Manager in writing by a Council Committee member to the effect that the Council Committee member, or the Council Committee member's spouse, de facto partner or relative, is:
- a a member of, or in the employment of, a specified company or other body, or
 - b a partner of, or in the employment of, a specified person.
 - c Such a notice is, unless and until the notice is withdrawn or until the end of the term of the Council in which it is given (whichever is the sooner), sufficient disclosure of the Council Committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council Committee after the date of the notice.
- 4.29. A Council Committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Council Committee member has an interest in the matter of a kind referred to in clause 4.6.

- 4.30. A person does not breach clauses 4.25 or 4.26 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.31. The Minister for Local Government may, conditionally or unconditionally, allow a Council Committee member who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 4.32. A Council Committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the Committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.31, must still disclose the interest they have in the matter in accordance with clause 4.25.

[Model Code]

Note: For the purpose of clauses 4.25 to 4.32, a "Council Committee member" includes a member of staff of Council who is a member of a Council Committee.

Part 5: Non-Pecuniary Conflicts of Interests



What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this Code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this Code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

[Model Code]

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of Council staff other than the General Manager, such a disclosure is to be made to the staff member's manager. In the case of the General Manager, such a disclosure is to be made to the Lord Mayor.
- 5.7 If a disclosure is made at Committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises.

This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household
 - b other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
 - d membership, as the Council's representative, of the board or management Committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council and the organisation are potentially in conflict in relation to the particular matter
 - e a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1

- f the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - a by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council or Committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.25 and 4.26.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of Council other than the General Manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the General Manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the Lord Mayor.

[Model Code]

Loss of quorum as a result of compliance with this Part

- 5.13 The Minister for Local Government may, conditionally or unconditionally, allow a Council Committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.

- 5.14 Where the Minister exempts a Committee member from complying with a requirement under this Part under clause 5.13, the Committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or secondary employment

- 5.15 The General Manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council without the approval of the Council.
- 5.16 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council that relates to the business of the Council or that might conflict with the staff member's Council duties unless they have notified the General Manager in writing of the employment, work or business and the General Manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.17 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



- 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



Obligations of Councillors and Administrators

7.1 Each Council is a body politic. The Councillors or Administrator/s are the governing body of the Council. Under section 223 of the LGA, the role of the governing body of the Council includes the development and endorsement of the strategic plans, programs, strategies and policies of the Council, including those relating to workforce policy, and to keep the performance of the Council under review.

7.2 Councillors or Administrators must not:

- a direct Council staff other than by giving appropriate direction to the General Manager by way of Council or Committee resolution, or by the Lord Mayor or Administrator exercising their functions under section 226 of the LGA
- b in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council in the exercise of the functions of the staff member
- c contact a member of the staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager
- d contact or issue instructions to any of the Council's contractors, including the Council's legal advisers, unless by the Mayor or Administrator exercising their functions under section 226 of the LGA.

Obligations of staff

7.3 Under section 335 of the LGA, the role of the General Manager includes conducting the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the Council and ensuring that the Lord Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.4 Members of staff of Council must:

- a give their attention to the business of the Council while on duty

- b ensure that their work is carried out ethically, efficiently, economically and effectively
- c carry out reasonable and lawful directions given by any person having authority to give such directions
- d give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them
- e ensure that any participation in political activities outside the service of the Council does not interfere with the performance of their official duties.

[Model Code]

Inappropriate interactions

7.5 You must not engage in any of the following inappropriate interactions:

- a Councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b Council staff approaching Councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c subject to clause 8.6, Council staff refusing to give information that is available to other Councillors to a particular Councillor
- d Councillors who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council
- e Councillors being overbearing or threatening to Council staff
- f Council staff being overbearing or threatening to Councillors
- g Councillors making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this Code in public forums including social media
- h Councillors directing or pressuring Council staff in the performance of

their work, or recommendations they should make

- i Council staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community
- j Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals

[Model Code]

Part 8: Access to Information & Council Resources



Councillor and Administrator access to information

- 8.1 The General Manager is responsible for ensuring that Councillors and Administrator can access information necessary for the performance of their official functions. The General Manager and public officer are also responsible for ensuring that members of the public can access publicly available Council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The General Manager must provide Councillors and Administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of Council must provide full and timely information to Councillors and Administrators sufficient to enable them to exercise their official functions and in accordance with Council procedures.
- 8.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their official functions must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 8.5 Councillors and Administrators who have a private interest only in Council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, Councillors and Administrators who are precluded from participating in the consideration of a matter under this Code because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.

[Model Code]

Refusal of access to information

- 8.7 Where the General Manager or Public Officer determine to refuse access to information requested by a Councillor or Administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the Councillor or Administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The General

Manager or public officer must state the reasons for the decision if access is refused.

[Model Code]

Use of certain Council information

- 8.8 In regard to information obtained in your capacity as a Council official, you must:
- a subject to clause 8.13, only access Council information needed for Council business
 - b not use that Council information for private purposes
 - c not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with Council
 - d only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

[Model Code]

Use and security of confidential information

- 8.9 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.10 In addition to your general obligations relating to the use of Council information, you must:
- a only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b protect confidential information
 - c only release confidential information if you have authority to do so
 - d only use confidential information for the purpose for which it is intended to be used
 - e not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f not use confidential information with the intention to cause harm or detriment to the Council or any other person or body
 - g not disclose any confidential information discussed during a

confidential session of a Council or Committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

[Model Code]

Personal information

- 8.11 When dealing with personal information you must comply with:
- a the *Privacy and Personal Information Protection Act 1998*
 - b the *Health Records and Information Privacy Act 2002*
 - c the *Information Protection Principles and Health Privacy Principles*
 - d Council's *Privacy Management Plan*
 - e the *Privacy Code of Practice for Local Government*

[Model Code]

Use of Council resources

- 8.12 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.13 Union delegates and consultative Committee members may have reasonable access to Council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a the representation of members with respect to disciplinary matters
 - b the representation of employees with respect to grievances and disputes
 - c functions associated with the role of the local consultative Committee.
- 8.14 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.15 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.16 You must not use Council resources (including Council staff), property or

facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

- 8.17 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:
- a for the purpose of assisting your election campaign or the election campaign of others, or
 - b for other non-official purposes.

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

[Model Code]

Internet access and use of social media

- 8.19 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.

[Model Code]

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

[Council protocol]

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and Council's *Corporate Records Management* policy.
- 8.22 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the *State Records Act 1998* and Council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.

- 8.24 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's [Information Manager](#) and comply with the requirements of the *State Records Act 1998*.

[Model Code]

Information Technology

- 8.25 You must comply with Council's information security requirements as set out in the *ICT Security, Technology Acceptable Use* and *Corporate Records Management* policies in relation to the use of information technology systems.

[Council protocol]

Councillor access to Council buildings

- 8.26 Councillors and administrators are entitled to have access to the council chamber, Committee room, mayor's office (subject to availability), Councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the General Manager.
- 8.27 Councillors and Administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or their delegate) or as provided for in the procedures governing the interaction of Councillors and Council staff.
- 8.28 Councillors and Administrators must ensure that when they are within a staff only area, they refrain from conduct that could be perceived to improperly influence Council staff decisions.

[Model Code]

Part 9: Maintaining the Integrity of this Code



Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this Code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a to bully, intimidate or harass another Council official
 - b to damage another Council official's reputation
 - c to obtain a political advantage
 - d to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f to avoid disciplinary action under the Procedures
 - g to take reprisal action against a person for making a complaint alleging a breach of this Code
 - h to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i to prevent or disrupt the effective administration of this Code under the Procedures.

[Model Code]

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this Code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a injury, damage or loss
 - b intimidation or harassment

- c discrimination, disadvantage or adverse treatment in relation to employment
- d dismissal from, or prejudice in, employment
- e disciplinary proceedings.

[Model Code]

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

[Model Code]

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this Code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this Code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this Code at Council, Committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this Code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

[Model Code]

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by the General Manager are to be managed by the Office. This clause does not prevent the Office from referring an

an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.

- 9.15 Complaints alleging a breach of this Part by other Council officials are to be managed by the General Manager in accordance with the Procedures.

[Model Code]

Schedule 1:

Disclosures of Interests and other Matters in Written Returns Submitted Under Clause 4.18



PART 1: PRELIMINARY

Definitions

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

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

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

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to

whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.18(a), the date on which a person became a designated person
- b) in the case of a return made under clause 4.18(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.18(c), the date on which the designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle,

- aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de factor partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a designated person has an interest includes a reference to any real property situated in Australia in which the designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

PART 2: PECUNIARY INTERESTS TO BE DISCLOSED IN RETURNS

Real property

5. A person making a return under clause 4.18 of this Code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.18 of this Code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or

- d) subject to paragraph (a), it was received prior to the person becoming a designated person.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.18 of this Code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.18 of this Code must disclose:
 - a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
 - a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.18 of this Code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.18 of the Code must disclose:
 - a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a designated person.

Dispositions of real property

23. A person making a return under clause 4.18 of this Code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.18 of this Code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a designated person.

Sources of income

26. A person making a return under clause 4.18 of this Code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a designated person need not be disclosed.
30. A person making a return under clause 4.18 of this Code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
31. A liability to pay a debt must be disclosed by a person in a return made under clause 4.18 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
32. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - e) subject to paragraph (a), the debt was discharged prior to the person becoming a designated person.

Debts

30. A person making a return under clause 4.18 of this Code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.

Discretionary disclosures

A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Schedule 2:

Form of Written Return if Interests Submitted Under Clause 4.18



'Disclosures by Councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the General Manager after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Councillor or designated person.
3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the General Manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the General Manager in a register of returns. The General Manager is required to table all returns at a Council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by *[full name of Councillor or designated person]*

as at *[return date]*

in respect of the period from *[date]* to *[date]*

[Designated person's signature]

[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

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)
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F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

APPROVAL AND REVIEW		
Responsible Division	Governance and Customer Service	
Date/s adopted		<i>Council</i> 21 February 2022
Date/s of previous adoptions	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 2024	

WOLLONGONG CITY COUNCIL

CODE OF CONDUCT COUNCILLORS

MARCH 2024



Code of Conduct – Councillors

STATEMENT FROM THE LORD MAYOR

I am pleased to introduce to you Wollongong City Council's Code of Conduct for Councillors. The elected representatives of your Council are strongly committed to driving a high performing organisation underpinned by robust governance practices and ethics principles. The attitudes, values, beliefs, and behaviours of the elected representatives plays a critical role in establishing good governance practices throughout the Council at all levels. We are continually focused on proactively driving the highest ethical standards in our conduct and interactions and have zero-tolerance for fraud and corruption in decision making processes or the delivery of all our policies, processes, and projects throughout all levels of our organisation.



Protecting the reputation of the Council is vital to ensure our credibility and maintain public trust in what we do. The Code of Conduct helps all of us maintain the highest standards of ethical conduct and the adherence to its provisions gives confidence to the community that this a Council that is committed to the highest ethical standards. As Lord Mayor I am personally committed to the implementation of, and compliance with, the provisions of this Code.

Cr Gordon Bradbery AM

Lord Mayor

Code of Conduct – Councillors

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Part 1: Introduction



Code of Conduct – Councillors

This Code of Conduct applies to Councillors. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for Council officials. It is prescribed by regulation to assist Council Officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every Council (including County Councils) and Joint Organisations to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct. A Council's or Joint Organisation's adopted Code of Conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "Council Officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory Committees).

Council's adopted Code of Conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, Council's adopted Code of Conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, Administrators, members of staff of Council, delegates of Council, (including members

of Council Committees that are delegates of a Council) and any other person a Council's adopted Code of Conduct applies to, must comply with the applicable provisions of their Council's Code of Conduct. It is the personal responsibility of Council officials to comply with the standards in the Code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a Councillor to comply with the standards of conduct prescribed under this Code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on Councillors for misconduct, including suspension or disqualification from civic office. A Councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Note: References in this Code of Conduct to Councils are also to be taken as references to County Councils and Joint Organisations.

Council Values

Wollongong City Council has defined organisational values to support our purpose of creating an Extraordinary Wollongong. These are :

Respect - inclusive and considerate

Sustainable - use our community's resources responsibly

Courage - challenge the norm to be better

Integrity - honest and reliable

One Team - together we deliver excellent service

Our values are not meant to be just words on a page. They are part of everything we do every day. Our values are evident in this document by graphics that represent each value appearing on the cover page and each chapter page in the Code of Conduct.

Part 2: Definitions



Code of Conduct – Councillors

In this Code the following terms have the following meanings:

Administrator Committee	an Administrator of a Council appointed under the LGA other than an Administrator appointed under section 66 Committee
Committee	see the definition of “Council Committee”
complaint	a Code of Conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
Council	Wollongong City Council
Council Committee	a Committee established by Council comprising of Councillors, staff or other persons that Council has delegated functions to and Council’s Audit, Risk and Improvement Committee
Council Committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council Committee other than a wholly advisory Committee, and a person other than a Councillor who is a member of the Council’s Audit, Risk and Improvement Committee
Council official	includes Councillors, members of staff of Council, Administrators, Council Committee members, delegates of Council and, for the purposes of clause 4.16 of the Model Code of Conduct, Council advisers
Councillor	any person elected or appointed to civic office, including the Lord Mayor and includes members and chairpersons of County Councils and voting representatives of the boards of joint organisations and chairpersons of Joint Organisations
delegate of Council	a person (other than a Councillor or member of staff of Council) or body, and the individual members of that body, to whom a function of Council is delegated
election campaign	includes Council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
Lord Mayor	includes the chairperson of a County Council or a joint organisation
members of staff of a Council	includes members of staff of County Councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion

Code of Conduct – Councillors

the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2021</i>
Voting representative	a voting representative of the Board of a joint organisation
wholly advisory Committee	a Council Committee that the Council has not delegated any functions to

The term “you” used in this Code of Conduct refers to The Lord Mayor and Councillors.

DRAFT

Part 3: General Conduct Obligations



Code of Conduct – Councillors

General conduct

- 3.1. You must not conduct yourself in a manner that:
- a is likely to bring the Council or other Council officials into disrepute
 - b is contrary to statutory requirements or the Council's administrative requirements or policies
 - c is improper or unethical
 - d is an abuse of power
 - e causes, comprises or involves intimidation or verbal abuse
 - f involves the misuse of your position to obtain a private benefit
 - g constitutes harassment or bullying behaviour under this Code or is unlawfully discriminatory.
- 3.2. You must act lawfully and honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439).

[Model Code]

Fairness and equity

- 3.3. You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4. You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5. An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

[Model Code]

Harassment and discrimination

- 3.6. You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

- 3.7. For the purposes of this Code, "harassment" is any form of behaviour towards a person that:

- a is not wanted by the person
- b offends, humiliates or intimidates the person, and
- c creates a hostile environment.

[Model Code]

- 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

Code of Conduct – Councillors

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.

- 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

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- 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]

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

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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]

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 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

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- e engage in open discussions of a mature or adult nature, or use inappropriate language in the presence of children
- f express personal views on cultures, race or sexuality in the presence of children
- g discriminate against any child, including on the basis of age, gender, sexuality, race, cultural background or disability
- h ignore or disregard any concerns, suspicions or disclosures of child being harmed in any way

3.37. 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 employeeCouncil official.
- b report any breach of the Child Protection standards in this Code of Conduct Council's identified Child Protection Officer.
- c understand and comply with all reporting and/or disclosure obligations, including mandatory reporting and reportable conduct

[Council protocol]

Part 4: Pecuniary Interests



Code of Conduct – Councillors

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - a your interest, or
 - b the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - a Your “relative” is any of the following:
 - i your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - b “de facto partner” has the same meaning as defined in section 21C of the Interpretation Act 1987.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
 - a if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b just because the person is a member of, or is employed by, a Council or a statutory body, or is employed by the Crown, or
 - c just because the person is a member of, or a delegate of a Council to, a

company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

[Model Code]

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
 - a your interest as an elector
 - b your interest as a ratepayer or person liable to pay a charge
 - c an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Code
 - d an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Code
 - e an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - g an interest you have arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the Committee) of the association, or is a partner of the partnership
 - h an interest you have arising from the making by the Council of a contract or agreement with your relative for, or in relation to, any of the following,

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but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:

- i the performance by the Council at the expense of your relative of any work or service in connection with roads or sanitation
- ii security for damage to footpaths or roads
- iii any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council, or by or under any contract

- i an interest relating to the payment of fees to Councillors (including the Lord Mayor and Deputy Lord Mayor)
- j an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Lord Mayor and Deputy Lord Mayor) in accordance with a policy under section 252 of the LGA
- k an interest relating to an election to the office of Lord Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Lord Mayor
- l an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- m an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor
- n an interest arising from the appointment of a Councillor to a body as a representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.

- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

[Model Code]

What disclosures must be made by a Councillor?

- 4.8 A Councillor:

- a must prepare and submit written returns of interests in accordance with clause 4.9, and
- b must disclose pecuniary interests in accordance with clause 4.16 and comply with clause 4.17 where it is applicable.

[Model Code]

Disclosure of interests in written returns

- 4.9 A Councillor must make and lodge with the General Manager a return in the form set out in schedule 2 to this Code, disclosing the Councillor's interests as specified in schedule 1 to this Code within 3 months after:

- a becoming a Councillor, and b 30 June of each year, and
- c the Councillor becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

- 4.10 A Councillor need not make and lodge a return under clause 4.9 paragraphs (a) and (b) if:

- a they made and lodged a return under that clause in the preceding 3 months, or
- b they have ceased to be a Councillor in the preceding 3 months.

- 4.11 A Councillor must not make and lodge a return that the Councillor knows or ought reasonably to know is false or misleading in a material particular.

- 4.12 The General Manager must keep a register of returns required to be made and lodged with the General Manager.

- 4.13 Returns required to be lodged with the General Manager under clause 4.9(a) and (b), or a register of such returns, must be tabled at the first meeting of the Council after the last day the return is required to be lodged.

- 4.14 Returns required to be lodged with the General Manager under clause 4.9(c), or a register of such returns, must be tabled at the next Council meeting after the return is lodged.

- 4.15 Information contained in returns made and lodged under clause 4.9 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any

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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.

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- 4.26 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b that it is in the interests of the electors for the area to do so.
- 4.27 A Councillor with a pecuniary interest in a matter who is permitted to be present at a meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.26, must still disclose the interest they have in the matter in accordance with clause 4.16.

[Model Code]

Part 5: Non-Pecuniary Conflicts of Interests



Code of Conduct – Councillors

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this Code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this Code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

[Model Code]

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
- 5.7 If a disclosure is made at a Council or Committee meeting, both the disclosure and the nature of the interest

must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

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

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

- a a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household
- b other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
- d membership, as the Council's representative, of the board or management Committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council

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- and the organisation are potentially in conflict in relation to the particular matter
- e a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council or Committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 Despite clause 5.10(b), a Councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

[Model Code]

Political donations

- 5.13 Councillors should be aware that matters before Council or Committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

- 5.14 Where you are a Councillor and have received or knowingly benefitted from a reportable political donation:
- a made by a major political donor in the previous four years, and
 - b the major political donor has a matter before Council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.15 For the purposes of this Part:
- a a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.16 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.17 Despite clause 5.14, a Councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

[Model Code]

Loss of quorum as a result of compliance with this Part

- 5.18 A Councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a the matter is a proposal relating to:

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- i the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or
 - ii the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
 - b the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
 - c the Councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.19 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b that it is in the interests of the electors for the area to do so.
- 5.20 Where the Minister exempts a Councillor from complying with a requirement under this Part under clause 5.19, the Councillor must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

[Model Code]

Personal dealings with Council

- 5.21 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in

relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

- 5.22 You must undertake any personal dealings you have with the Council in a manner that is consistent with the way other members of the community deal with the Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this Code.

[Model Code]

Former Council officials

- 5.23 You must not use your position to obtain opportunities for future employment.
- 5.24 You must be careful in your dealings with former Council officials and ensure that you do not give or appear to give favourable treatment or access to otherwise confidential information to former Council officials.

[Council protocol]

Sponsorship

- 5.25 Council actively seeks financial or in-kind sponsorship from a variety of sources to support specific events, promotions, services or other activities of Council. It is essential that sponsorships do not limit Council's ability to carry out its functions fully and impartially. All sponsorship arrangements must comply with Council's 'Sponsorship of Council Activities from External Sources' policy.

[Council protocol]

Part 6: Personal Benefit



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- 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.

Part 7: Relationships Between Council Officials



Code of Conduct – Councillors

Obligations of Councillors and Administrators

7.1 Each Council is a body politic. The Councillors or Administrator/s are the governing body of the Council. Under section 223 of the LGA, the role of the governing body of the Council includes the development and endorsement of the strategic plans, programs, strategies and policies of the Council, including those relating to workforce policy, and to keep the performance of the Council under review.

7.2 Councillors or Administrators must not:

- a direct Council staff other than by giving appropriate direction to the General Manager by way of Council or Committee resolution, or by the Lord Mayor or Administrator exercising their functions under section 226 of the LGA
- b in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate
- c contact a member of the staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager
- d contact or issue instructions to any of the Council's contractors, including the Council's legal advisers, unless by the Lord Mayor or Administrator exercising their functions under section 226 of the LGA.

7.3 Despite clause 7.2, Councillors may contact the Council's external auditor or the chair of the Council's Audit Risk and Improvement Committee to provide information reasonably necessary for the external auditor or the Audit, Risk and Improvement Committee to effectively perform their functions.

[Model Code]

Obligations of staff

7.4 Under section 335 of the LGA, the role of the General Manager includes conducting the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the Council and ensuring that the Lord Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.5 Members of staff of Council must:

- a give their attention to the business of the Council while on duty
- b ensure that their work is carried out ethically, efficiently, economically and effectively
- c carry out reasonable and lawful directions given by any person having authority to give such directions
- d give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them
- e ensure that any participation in political activities outside the service of the Council does not interfere with the performance of their official duties.

[Model Code]

Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a Councillors and Administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b Council staff approaching Councillors and Administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c subject to clause 8.6, Council staff refusing to give information that is available to other Councillors to a particular Councillor
- d Councillors and Administrators who have lodged an application with the Council, discussing the matter with

Code of Conduct – Councillors

- Council staff in staff-only areas of the Council
- e Councillors and Administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the Councillor or Administrator has a right to be heard by the panel at the meeting
 - f Councillors and Administrators being overbearing or threatening to Council staff
 - g Council staff being overbearing or threatening to Councillors or Administrators
 - h Councillors and Administrators making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this Code in public forums including social media
 - i Councillors and Administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make
 - j Council staff providing ad hoc advice to Councillors and Administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
 - k Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the Council associated with current or proposed legal proceedings unless permitted to do so by the Council's General Manager or, in the case of the Lord Mayor or Administrator, unless they are exercising their functions under section 226 of the LGA.

[Model Code]

Part 8: Access to Information & Council Resources



Code of Conduct – Councillors

Councillor and Administrator access to information

- 8.1 The General Manager is responsible for ensuring that Councillors and Administrators can access information necessary for the performance of their official functions. The General Manager and public officer are also responsible for ensuring that members of the public can access publicly available Council information under the Government Information (Public Access) Act 2009 (the GIPA Act).
- 8.2 The General Manager must provide Councillors and Administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of Council must provide full and timely information to Councillors and Administrators sufficient to enable them to exercise their official functions and in accordance with Council procedures.
- 8.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their official functions must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 8.5 Councillors and Administrators who have a private interest only in Council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, Councillors and Administrators who are precluded from participating in the consideration of a matter under this Code because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.
- [Model Code]
- 8.7 If a Councillor or Administrator requests access to information that relates to a Councillor's personal or business interests, other than civic, the Request must be made pursuant to the GIPA Act, the form for which is available on Council's website and will be processed in accordance with the timeframes set out in the Public Access to Council Documents and Information Policy.

[Council Protocol]

Procedure for Councillors to Access Council Information

- 8.8 Councillors wishing to access Council information, other than "open access information" as prescribed in the GIPA Act, must make application to the Public Officer by completing Council's online "Councillor Request" available via email to admin@wollongong.nsw.gov.au. The Councillor Request should be drafted carefully and should precisely detail the information being sought. It is expected that Councillors will act reasonably in making Requests.
- 8.9 Councillor Requests relating to the exercise of a Councillor's functions of civic office will be processed as soon as possible and a response (or an interim response in the case of a complex Request) will be provided in accordance with the following guidelines:
- a same day response – information is easily accessible and no reference/investigation is required. Examples:
 - copy of a Council document
 - basic information on an Agenda Item on day of a Council meeting.
 - b one to five working day response – information is on hand but needs to be processed for release. Examples :
 - Submissions to a Development Application – documents are electronic and extra time required to extract and redact information where appropriate
 - request containing a number of questions which may relate to more than one Division and where responses need to be collated into a single reply
 - c within 10 working days – investigation and research is required in order to provide the requested information. Examples:
 - a comprehensive summary including Court Consent Orders for Planning Appeals
 - copies of documents where the files are stored offsite.

Where this investigation and research is extensive and/or complex and the 10 working day timeframe cannot be met, the Councillor lodging the request will be notified within five (5) working days and provided with an indication of when the information may be forthcoming.

Code of Conduct – Councillors

8.10 Where it is believed that significant resources will be required to respond to a Councillor Request, or the number of Requests being submitted by a Councillor, the Public Officer will consider the time and/or costs that are likely to be incurred in providing the requested information and decide on granting access. An indication will also be given as to any other matters that will not be attended to as a result of compiling the requested information.

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

- i active Councillor requests
- ii completed Councillor requests for the previous three months.

[Council protocol]

Councillors and Administrators to properly examine and consider information

8.12 Councillors and Administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

8.13 Where the General Manager or Public Officer determine to refuse access to information requested by a Councillor or Administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the Councillor or Administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The General Manager or public officer must state the reasons for the decision if access is refused.

[Model Code]

8.14 If access to the Council information sought by a Councillor is refused, a Councillor may lodge a formal application under the GIPA Act, or lodge a complaint with the Office of Local Government

8.15 If a Councillor makes a formal application under the GIPA Act that is refused a Councillor may ask for an internal review or an external review by the Information Commissioner.

[Council protocol]

Use of certain Council information

8.16 In regard to information obtained in your capacity as a Council official, you must:

- a only access Council information needed for Council business
- b not use that Council information for private purposes
- c not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office with Council
- d only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

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

8.18 In addition to your general obligations relating to the use of Council information, you must:

- a. only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b. protect confidential information
- c. only release confidential information if you have authority to do so
- d. only use confidential information for the purpose for which it is intended to be used
- e. not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or another person
- f. not use confidential information with the intention to cause harm or detriment to the Council or any other person or body
- g. not disclose any confidential information discussed during a confidential session of a Council or Committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Code of Conduct – Councillors

- 8.19 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.20 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council or other information that could give the appearance it is official Council material:
- a for the purpose of assisting your election campaign or the election campaign of others, or
 - b for other non-official purposes.
- 8.21 You must not convert any property of the Council to your own use unless properly authorised.

Personal information

- 8.22 When dealing with personal information you must comply with:
- a the *Privacy and Personal Information Protection Act 1998*
 - b the *Health Records and Information Privacy Act 2002*
 - c the Information Protection Principles and Health Privacy Principles
 - d the Council's Privacy Management Plan
 - e the Privacy Code of Practice for Local Government

Use of Council resources

- 8.23 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.24 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.25 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

Information Technology

- 8.26 You must comply with Council's information security requirements as set out in the Information Security policy, the Technology Systems Acceptable Usage policy and the Corporate Records Management policy in relation to the use of information technology systems. All information stored in either soft or hard copy is deemed to be related to the business of Council and can be used by Council as records regardless of whether the original intention of the creation of the information was for personal or business purposes.
[Council protocol]

Internet access

- 8.27 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.
- 8.28 When using social media, you must comply with the general conduct provisions of this Code.
[Council protocol]

Council record keeping

- 8.29 You must comply with the requirements of the State Records Act 1998 and the Council's records management policy.
- 8.30 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the State Records Act 1998 and the Council's approved records management policies and practices.
- 8.31 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.32 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's records manager and comply with the requirements of the State Records Act 1998.

Code of Conduct – Councillors

- 8.33 Records of Council business that are created or received by Councillors (with the exception of those sent from Council as they are already captured) shall be forwarded to Council as soon as is practicable for saving the record into Council's record keeping system. If documents concern sensitive or confidential matters they should be forwarded to Council's Public Officer, marked "Private and Confidential".

[Council Protocol]

Councillor access to Council buildings

- 8.34 Councillors and Administrators are entitled to have access to the Council chamber, Committee room, Lord Mayor's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours and for meetings.
- 8.35 Councillors and Administrators needing access to these facilities at other times must obtain authority from the General Manager.
- 8.36 The General Manager will issue Councillors and Administrators with an access pass, authorising entry into the non-public areas of Council, in accordance with clause 8.28, during and outside of business hours.

[Council protocol]

- 8.37 Councillors and Administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or their delegate) or as provided for in the procedures governing the interaction of Councillors and Council staff.
- 8.38 Councillors and Administrators must ensure that when they are within a staff only area, they refrain from conduct that could be perceived to improperly influence Council staff decisions
- 8.39 Councillors whilst not in pursuit of their civic duties have the same rights of access to Council buildings and premises as any other member of the public.
- 8.40 A Councillor must seek the prior consent of the relevant Divisional Manager, Director or the General Manager before entering a particular work area of Council.

[Council protocol]

Councillor Briefings

- 8.41 Councillor briefing sessions are conducted to fully inform Councillors of matters of significance or complexity that are to be the subject of a staff report at a future meeting of Council or are of particular current interest to Council.

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

- 8.43 Councillor briefing sessions are not to be used for detailed discussions where agreement is reached or a de-facto decision is made and such discussions, exchanges of views and decisions are to be left to the open forum of a council meeting.

- 8.44 On occasion, confidential matters will be presented at Councillor Briefing and this will be noted in the presentation and accompanying documentation. Councillors must maintain the integrity and security of confidential documents or information distributed or discussed at Councillor Briefings.

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

- 8.46 Matters of general interest to Councillors may be the subject of an Information Note to Councillors from staff and are added to the monthly Information Folder via the Councillors' Portal. If an Information Note is marked confidential, Councillors and staff must maintain the integrity and security of confidential information in accordance with the Codes of Conduct and supporting policies.

[Council protocol]

Interaction Between Councillors and Council Staff During Meetings

- 8.47 During Meetings a Councillor may, through the Chairperson, put a question to another Councillor and, may through the General Manager, put a question to Council staff.

- 8.48 A Councillor or employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or documents.

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

- 8.50 The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council staff. The General Manager or Council staff should use their best endeavours to provide answers to questions in a timely manner. It is not appropriate for the General Manager, Councillors or staff to ask the Council to determine whether the questions asked by individual Councillors should or should not be answered. It is also important that questions do not result in substantial new work or require the development of a new policy as part of the answer.

Interaction Between Councillors and Council Staff Outside of Meetings

- 8.51 Councillors may contact a Divisional Manager, Director or the General Manager to discuss, or to make arrangements to meet to discuss, Council services or projects. Councillors must not make direct contact 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.
- 8.52 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.
- 8.53 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.

Part 9: Maintaining the Integrity of this Code



Code of Conduct – Councillors

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this Code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a to bully, intimidate or harass another Council official
 - b to damage another Council official's reputation
 - c to obtain a political advantage
 - d to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f to avoid disciplinary action under the Procedures
 - g to take reprisal action against a person for making a complaint alleging a breach of this Code
 - h to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i to prevent or disrupt the effective administration of this Code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this Code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a injury, damage or loss
 - b intimidation or harassment
 - c discrimination, disadvantage or adverse treatment in relation to employment

- d dismissal from, or prejudice in, employment
- e disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this Code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this Code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this Code at Council, Committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this Code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Code of Conduct – Councillors

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a Councillor or Administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.

[Model Code]

DRAFT

Schedule 1:

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



Code of Conduct – Councillors

Part 1: Preliminary

Definitions

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

address	means:												
a	in relation to a person other than a corporation, the last residential or business address of the person known to the Councillor disclosing the address, or												
b	in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or												
c	in relation to any real property, the street address of the property. de facto partner has the same meaning as defined in section 21C of the <i>Interpretation Act 1987</i> .												
disposition of property	means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following: <table border="0"><tr><td>a</td><td>the allotment of shares in a company</td></tr><tr><td>b</td><td>the creation of a trust in respect of property</td></tr><tr><td>c</td><td>the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property</td></tr><tr><td>d</td><td>the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property</td></tr><tr><td>e</td><td>the exercise by a person of a general power of appointment over property in favour of another person</td></tr><tr><td>f</td><td>a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.</td></tr></table>	a	the allotment of shares in a company	b	the creation of a trust in respect of property	c	the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property	d	the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property	e	the exercise by a person of a general power of appointment over property in favour of another person	f	a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.
a	the allotment of shares in a company												
b	the creation of a trust in respect of property												
c	the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property												
d	the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property												
e	the exercise by a person of a general power of appointment over property in favour of another person												
f	a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.												
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: <table border="0"><tr><td>a</td><td>in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or</td></tr><tr><td>b</td><td>in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.</td></tr></table>	a	in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or	b	in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.								
a	in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or												
b	in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.												
listed company	means a company that is listed within the meaning of section 9 of the <i>Corporations Act 2001</i> of the Commonwealth.												
occupation	includes trade, profession and vocation.												
professional or business association	means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.												
property	includes money												
return date	means: <table border="0"><tr><td>a</td><td>in the case of a return made under clause 4.9(a) , the date on which a person became a Councillor</td></tr></table>	a	in the case of a return made under clause 4.9(a) , the date on which a person became a Councillor										
a	in the case of a return made under clause 4.9(a) , the date on which a person became a Councillor												

Code of Conduct – Councillors

- b in the case of a return made under clause 4.9(b) , 30 June of the year in which the return is made
 - c in the case of a return made under clause 4.9(c) , the date on which the Councillor became aware of the interest to be disclosed.
- relative includes any of the following:
 - a a person's spouse or de facto partner
 - b a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - c a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - d the spouse or de factor partner of a person referred to in paragraphs (b) and (c).
- travel includes accommodation incidental to a journey

Matters relating to the interests that must be included in returns

- 2 *Interests etc. outside New South Wales*
A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3 *References to interests in real property:*
A reference in this schedule or in schedule 2 to real property in which a Councillor has an interest includes a reference to any real property situated in Australia in which the Councillor has an interest.
- 4 *Gifts, loans etc. from related corporations:*
For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a Councillor by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Code of Conduct – Councillors

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.9 of this Code must disclose:
 - a the street address of each parcel of real property in which they had an interest on the return date, and
 - b the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a as executor of the will, or Administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a Councillor.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.9 of this Code must disclose:
 - a a description of each gift received in the period since 30 June of the previous financial year, and
 - b the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b it was a political donation disclosed, or required to be disclosed, under

Part 3 of the *Electoral Funding Act 2018*, or

- c the donor was a relative of the donee, or
 - d subject to paragraph (a), it was received prior to the person becoming a Councillor.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.9 of this Code must disclose:
 - a the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b the dates on which the travel was undertaken, and
 - c the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
 - b was made by a relative of the traveller, or
 - c was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f was made by a political party of which the traveller was a member and the travel was undertaken for the

Code of Conduct – Councillors

purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or

- g subject to paragraph (d) it was received prior to the person becoming a Councillor.
- 14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

- 15. A person making a return under clause 4.9 of this Code must disclose:
 - a the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c the nature of the interest, or the position held, in each of the corporations, and
 - d a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
- 16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
 - a formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b required to apply its profits or other income in promoting its objects, and
 - c prohibited from paying any dividend to its members.
- 17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
- 18. An interest or a position in a corporation need not be disclosed if the person

ceased to hold the interest or position prior to becoming a Councillor.

Interests as a property developer or a close associate of a property developer

- 19. A person making a return under clause 4.9 of this Code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
- 20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

- 21. A person making a return under clause 4.9 of the Code must disclose:
 - a the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c a description of the position held in each of the unions and associations.
- 22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a Councillor.

Dispositions of real property

- 23. A person making a return under clause 4.9 of this Code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

Code of Conduct – Councillors

24. A person making a return under clause 4.9 of this Code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a Councillor.

Sources of income

26. A person making a return under clause 4.9 of this Code must disclose:
 - a each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
 - a in relation to income from an occupation of the person:
 - i a description of the occupation, and
 - ii if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a Councillor need not be disclosed.
30. A fee paid to a Councillor or to the Lord Mayor or Deputy Lord Mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.9 of this Code must disclose the name and address of each person to whom the person was liable to pay any debt:
 - a on the return date, and
 - b at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.9 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
 - a the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - i the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - ii the amounts to be paid exceeded, in the aggregate, \$500, or
 - b the person was liable to pay the debt to a relative, or
 - c in the case of a debt arising from a loan of money the person was liable

Code of Conduct – Councillors

- to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d in the case of a debt arising from the supply of goods or services:
- i the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - ii the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e subject to paragraph (a), the debt was discharged prior to the person becoming a Councillor.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Schedule 2:

Form of Written Return if Interests Submitted Under Clause 4.9



Code of Conduct – Councillors

'Disclosures by Councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the General Manager after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Councillor or designated person.
3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the General Manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the General Manager in a register of returns. The General Manager is required to table all returns at a Council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Code of Conduct – Councillors

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

Code of Conduct – Councillors

This form must be completed in BLOCK letters or typed

or held a position at the return date/at any time since 30 June	corporation (except in case of listed company)
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F. Were you a property developer or a close associate of a property developer on the return date?

(Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
--	-------------------------

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time
since 30 June

I. Dispositions of property

- 1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
- 2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

Schedule 3:

Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.25



Code of Conduct – Councillors

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

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a Councillor has in the Councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the Council or Council Committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by [full name of Councillor]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the [name of Council or Council Committee (as the case requires)]

to be held on the [date] day of [month] 20[year]

This form must be completed in BLOCK letters or typed

Pecuniary interest

Address of the affected principal place of residence of the Councillor or an associated person, company or body (the identified land)

[Address]

Relationship of identified land to the Councillor

[Tick or cross one box.]

- ☐ The Councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).
- ☐ An associated person of the Councillor has an interest in the land.
- ☐ An associated company or body of the Councillor has an interest in the land.

Matter giving rise to pecuniary interest¹

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)² [Tick or cross one box]

- ☐ The identified land.
- ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.

Current zone/planning control

[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]

Proposed change of zone/planning control

[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]

Effect of proposed change of zone/planning control on Councillor or associated person

[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature: _____

Date: _____

[This form is to be retained by the Council's General Manager and included in full in the minutes of the meeting]

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a Councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Attachment 1: Summary of Councillor Request Process



TYPE OF REQUEST	FORM OF REQUEST	PROCESS
Action (eg repairs to footpath, mowing of park)	Email to admin@wollongong.nsw.gov.au	Request entered into Customer Service Request system and allocated a request number which is notified to Councillor.
Access to Council documents for a purpose related to your role as a Councillor	Email to admin@wollongong.nsw.gov.au	
Access to documents for a private purpose	Application under GIPA Act	Referral to Information Management for determination.
Access to Council Workplace, other than as defined in this Code	Telephone request to relevant Divisional Manager, Director or General Manager	Co-ordination by Divisional Manager, Director or General Manager.
Advice (eg technical advice, current status of development application, request for allocation of capital budgets)	Electronic Councillor Request via email to admin@wollongong.nsw.gov.au	Registration and referral to relevant Divisional Manager with copy to Director and General Manager. Divisional Manager to update register as to progress of Request.
Administrative or Technology Support	Phone call or email to Manager, Governance and Customer Service or Governance and Risk Manager.	Arranged in accordance with Councillors Expenses and Facilities Policy.
Discussion of Council services or projects	Telephone request or personal contact with relevant Divisional Manager, Director or General Manager	Co-ordination by Divisional Manager, Director or General Manager.

APPROVAL AND REVIEW		
Responsible Division	Governance and Customer Service	
Date/s adopted		<i>Council</i> 21 February 2022
Date/s of previous adoptions	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 2024	

DRAFT

ITEM 5 POLICY REVIEW - CODE OF BUSINESS ETHICS

The Code of Business Ethics is a key element of Council's Ethical Framework as it provides guidance on the standards of ethical behaviour that we expect from all businesses that Council may deal with, but also outlines the ethical standards that Council will maintain as well. Following a review, this report presents an updated Code of Business Ethics to Council for endorsement to place on exhibition for 21 days.

RECOMMENDATION

That Council place the Draft Code of Business Ethics on public exhibition for a period of 21 days, inviting submissions from the public, after which time the Code shall be reported back to Council for adoption with a summary of submissions received.

REPORT AUTHORISATIONS

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

ATTACHMENTS

- 1 Draft Code of Business Ethics

BACKGROUND

The Code of Business Ethics was recently reviewed in conjunction with, and in line with proposed changes to, the Code of Conduct to provide greater clarity on ethical standards required by Council. The review has also responded to significant recent changes to Public Interest Disclosures legislation that impact upon suppliers to Council.

PROPOSAL

A comprehensive review of the existing Code of Business Ethics has been undertaken. The significant changes to the Code are outlined below:

- New clause requiring suppliers not to bully, harass or intimidate Council staff or any person utilising a Council service. This will provide alignment with bolstered sections in the Code of Conduct around bullying and harassment and sexual harassment.
- New clause requiring participants in tenders to not lobby or approach Councillors and to be honest and forthright when providing information to Council.
- Several new references to child safety and in particular the need for suppliers to not engage in any activity that risks children's safety, welfare or well-being.
- An extensive new section on Public Interest Disclosures and our expectations of suppliers in this area.

CONSULTATION AND COMMUNICATION

The redrafting of the Code has been done in consultation with:

- General Counsel
- Governance and Risk Manager
- Procurement and Supply Manager
- Community Support Services Manager
- Coordinator Youth Services

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 4. 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

The *Code of Business Ethics* is a key mechanism for establishing the standards we expect from those we do business with but also the standards they can expect from us addresses several hazards that relate to the following strategic risks:

- SR2 Brand and Reputation
- SR8 Fraud and Corruption
- SR9 Procurement and Contracts
- SR10 Safety of our People

FINANCIAL IMPLICATIONS

There are no direct financial implications that arise from the changes to the policy as Council activities in this area are currently adequately resourced.

CONCLUSION

This update to the Code of Business Ethics will assist in the evolution of Council's best practice approach to ethical standards and business integrity.



CODE OF BUSINESS ETHICS COUNCIL POLICY

ADOPTED BY COUNCIL:

PURPOSE

This Code of Business Ethics is a key component of Council's Ethical Conduct Framework and provides guidance on the standards of ethical behaviour Wollongong City Council expects and adheres to.

Our Values

The Wollongong City Council Codes of Conduct are based on the Model Code of Conduct for Local Councils in NSW and set out the standards of conduct that meet these principles and statutory provisions applicable to local government activities.

Integrity

We must not place ourselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence us in the performance of our duties.

Leadership

We have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the Council.

Selflessness

We have a duty to make decisions in the public interest and not act to gain financial or other benefits for ourselves, our family, friends, or business interests.

Impartiality

We make decisions on merit and in accordance with our statutory obligations when carrying out public business.

Accountability

We are accountable to the public for our decisions and actions and should consider issues on their merits, taking into account the views of others.

Openness

We have a duty to be as open as possible about our decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands.

Honesty

We have a duty to act honestly. We must declare any private interests relating to our public duties and take steps to resolve any conflicts arising in such a way that protects the public interest.

Respect

We must always treat others with respect. We do not use derogatory terms towards others, we observe the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision making.

We respect, apply, and comply with the law, support human rights, child safety and equal opportunity, protect the environment, achieve operational excellence and work for the benefit of our communities.

CODE OF BUSINESS ETHICS

COUNCIL POLICY

Reporting Unethical Behaviour

Council is committed to promoting ethical behaviour, reports can be made in relation to:

- Unethical behaviour
- Fraud
- Corruption
- Maladministration or waste

Reports can be made to the following Council Officers:

- General Manager
- Public Officer
- Professional Conduct Coordinator

External reporting can also be made to:

- The Independent Commission Against Corruption – 8281 5999
- NSW Ombudsman – 9286 1000
- NSW Office of Local Government – 4428 4100

For more information contact Wollongong City Council (02) 4227 7111 wollongong.nsw.gov.au

WHAT WE ASK FROM YOU

We require all who do business with Council to observe the following principles when doing business with Council:

- Be familiar with and comply with Council's procurement policies and procedures.
- Provide accurate and reliable advice and information when required.
- Declare conflicts of interest as soon as you become aware of the conflict.
- Obey all relevant laws and contractual obligations.
- Assist Council to prevent unethical practices in our business relationships.
- Provide Council with a quality product or service on time that gives value for money.
- Be honest and forthright when providing information to Council, particularly when submitting quotes or tenders.
- Abide by the Public Interest Disclosure requirements outlined later in this code.
- Not lobby or approach elected Councillors in relation to procurement (tenders and quotes) or contract management issues
- Not bully, harass or intimidate Council staff or any person utilising a Council service.
- Not engage in any activity that risks children's safety, welfare or well-being.
- Not offer gifts, benefits or hospitality to our staff at any time, and
- Not supply any goods/services that are the product of, or use any labour practices involving, Modern Slavery.

CODE OF BUSINESS ETHICS

COUNCIL POLICY

All providers of goods and services to Council must declare to Council (at the earliest opportunity) if they:

- Have been convicted of fraud or a fraud-related offence; or
- Have been declared bankrupt, or are a director of a company that has entered a Deed of Company Arrangement, been placed into External Administration or into Liquidation; or
- Have had any corrupt findings recorded against them, or been identified as a person of interest, by the Independent Commission Against Corruption (ICAC).

The above disclosure requirements equally apply to Directors of a company providing goods or services to Council.

WHAT YOU CAN EXPECT FROM US

Council ensures that all policies, procedures, and practices related to tendering, contracting and the purchase of goods or services are consistent with best practice and the highest standards of ethical conduct.

All Council procurement activities are based upon the following core business principles –

- Transparency of process
- Accountability
- Ethical management of conflicts of interest
- Obtaining best value, and
- Monitoring and evaluation of performance.

In maintaining these business principles, Council will ensure that:

- Potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids.
- Procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and to allow for effective performance review of contracts.
- Tenders will not be invited unless Council has a firm intention to proceed to contract, and
- Council will not disclose confidential or proprietary information.

We always act with honesty and integrity in an open and transparent manner, performing roles efficiently, effectively, and fairly, thereby attracting the highest level of confidence from our community.

COUNCIL'S CODE OF CONDUCT

Council staff are bound by Council's Code of Conduct. When doing business with external parties, Council staff are accountable for their actions and are required to:

- Use public resources effectively and efficiently.
- Deal fairly, honestly, and ethically with all individuals and organisations
- Avoid any conflicts of interest.
- Treat all tenderers for supply of goods and services equitably.
- Meet public interest and accountability standards.
- Abide by all relevant and applicable laws and regulations.

CODE OF BUSINESS ETHICS

COUNCIL POLICY

- Respect and follow Council's policies and procedures.
- Promote fair and open competition while seeking best value for money.
- Protect confidential information.
- Never solicit or accept remuneration, gifts or other benefits from a supplier or applicant for the discharge of official duties, and
- Respond promptly to reasonable requests for advice and information.

REQUIREMENTS UNDER THE PUBLIC INTEREST DISCLOSURES ACT 2022

Where you provide services on behalf of Council, the Public Interest Disclosures Act 2022 (PID Act) has application to you.

Under that Act, you need to be aware of the following:

- All individuals involved in providing services are public officials for the purposes of the PID Act,
- how to make a voluntary public interest disclosure,
- the terms of Council's public interest disclosure policy; and
- the fact that a person who is dissatisfied with the way in which a voluntary public interest disclosure has been dealt with may be entitled to take further action under the PID Act or another Act or law.

Where the PID Act applies to you, you must notify Council of a voluntary public interest disclosure of which you become aware where either:

- a) the disclosure relates to Council; or
- b) the maker of the disclosure is known to be a public official associated with Council.

You must also notify Council of serious wrongdoing committed, or alleged to be committed, by an individual providing services under this contract.

You must use your best endeavours to assist in an investigation of serious wrongdoing if requested to do so by a person dealing with a voluntary public disclosure on behalf of Council or any other agency (as defined in the PID Act).

You also acknowledge that:

- Council has an obligation to take corrective action under s. 66 of the PID Act;
- Council has a right to terminate the contract in response to a finding of serious wrongdoing or other misconduct involving you or an individual providing services under this contract;
- If you subcontract the contract, you must ensure that the subcontract contains terms binding the person or body engaged under the subcontract that are equivalent to the terms binding you in this Code; and
- The regulations made under the PID Act may make further provision about terms that must, or must not, be included in an agency service contract or a class of agency service contracts.

Further details on the PID Act can be obtained from Council's Public Interest Disclosures Policy available on the Council website.

CODE OF BUSINESS ETHICS

COUNCIL POLICY

APPROVAL AND REVIEW	
Responsible Division	Customer and Business Integrity
Date adopted by Council	8 May 2023
Date/s of previous adoptions	27/05/2019, 30/10/2017, 14/10/2013, 27/05/2008
Date of next review	8 May 2026
Responsible Manager	Governance + Risk Manager

ITEM 6

ELECTION OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE COUNCILLOR REPRESENTATIVE

The Office of Local Government (OLG) has released the Guideline “*Risk Management and Internal Audit for Local Government in NSW*” that comes into effect from 1 July 2024. The Guidelines along with the *Local Government (General) Regulation 2021* now prescribes under s216C that only one Councillor, who must not be the Mayor, can be appointed to the ARIC. Council may now appoint a Councillor as a non-voting Councillor observer to the ARIC for the period from 1 July 2024 to 13 September 2024, noting that local government elections are held on 14 September 2024.

RECOMMENDATION

Council appoint a Councillor as a non-voting Councillor observer to the Audit Risk and Improvement Committee for the period from 1 July 2024 to 13 September 2024.

REPORT AUTHORISATIONS

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

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

The Office of Local Government (OLG) has released the “*Risk Management and Internal Audit for Local Government in NSW*”. The Guideline outlines minimum requirements for how Councils carryout and engage Internal Auditors, Audit Risk and Improvement Committees and provides minimum requirements for a Risk Management Framework.

At the Council meeting of 26 February 2024 Council considered a report in relation to the new guidelines and regulations and resolved to adopt an updated Internal Audit Charter and Audit Risk and Improvement Committee Terms of Reference. In addition, Council resolved to that the terms of appointment for Councillor Tania Brown and Councillor Dom Figliomeni as current members of the Audit Risk and Improvement Committee conclude on 30 June 2024.

PROPOSAL

The Guidelines along with the *Local Government (General) Regulation 2021* now prescribes under s216C that only one Councillor, who must not be the Mayor, can be appointed to the ARIC. This position is now prescribed as an observer only and is not a voting member.

Council will need to resolve to appoint a Councillor as a non-voting Councillor observer to the ARIC for the period from 1 July 2024 to 13 September 2024, noting that local government elections are held on 14 September 2024.

If more than one Councillor wishes to nominate for the Councillor observer position a vote will be required to be undertaken at the council meeting to determine the Councillor representative. Clause 11.5 of Council’s adopted Code of Meeting Practice stipulates that voting in an election at a Council meeting, other than an election for Deputy Lord Mayor, is to be by open means such as by voice or a show of hands.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 4. 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. The Audit Risk and Improvement Committee is a key component of council's risk management framework and assists in providing the elected council and the community on the activities of Council in relation to the delivery of all six of our interconnected Community Goals outlined in the Community Strategic Plan.

CONCLUSION

The appointment of a Councillor (as an observer) to the Audit, Risk and Improvement Committee will contribute towards providing assurance to the elected Council and the community on Council's risk management practices.

ITEM 7

2024 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - COUNCILLOR ATTENDANCE

This report seeks approval for Councillor attendance at the 2024 National General Assembly of Local Government.

RECOMMENDATION

- 1 That the Lord Mayor, Councillor Gordon Bradbery AM and Councillors Don Figliomeni and Richard Martin, be authorised to attend the 2024 National General Assembly of Local Government and Regional Forum in Canberra between 2 and 4 July 2024.
- 2 The Lord Mayor be appointed as Council's voting delegate at the 2024 National General Assembly of Local Government.
- 3 The General Manager be delegated the authority to determine requests by any other Councillor to attend the 2024 National General Assembly of Local Government and Regional Forum.

REPORT AUTHORISATIONS

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

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly of Local Government (NGA) attracts more than 800 attendees each year.

The 2024 NGA is an opportunity for attending Councillors to deliver the views and concerns of Council as well as contribute their own experiences and knowledge to debate on a broad set of national issues, influencing the national policy agenda. The theme of the 2024 NGA is Building Community Trust.

ALGA has released a Discussion Paper to provide guidance to Councils for the development of Motions for debate at the NGA. The paper provides an overview of policy areas in which the NGA has well-established positions and identifies potential new and emerging policy areas which are being developed by ALGA and require detailed consideration.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 4 "We are a connected and engaged city." It specifically delivers on core business activities as detailed in the Customer + Business Integrity Plan 2023-2024.

SUSTAINABILITY IMPLICATIONS

Councillors are encouraged to utilise the digital conference papers available, to minimise the use of paper.

FINANCIAL IMPLICATIONS

Funds are available within the relevant budget to enable Councillors to attend conferences and meet costs associated with attendance at the National General Assembly of Local Government (NGA).

Virtual attendance

If delegates wish to attend virtually, registration is \$739. There are no other anticipated expenses associated with virtual attendance by Councillors.

In person attendance

The estimated total cost of attendance in person at the 2024 NGA and Regional Forum for each delegate, if participating in all available sessions, functions and events is \$2,475 (includes accommodation).

Travel is to be undertaken in accordance with the Councillors Expenses and Facilities Policy.

A breakdown of estimated costs is shown below per person, all costs shown are inclusive of GST:

Expense	Amount
Regional Forum Registration 2 July 2024	\$ 275
National General Assembly Registration 3-4 July 2024	* \$ 945
General Assembly Dinner 4 July 2024	\$ 175
Accommodation	** \$ 1,080
TOTAL	\$ 2,475

* Early bird rate

**Accommodation at the conference venue will be booked, where available, in accordance with the *Councillors Expenses and Facilities* policy.

CONCLUSION

This report provides an overview of the 2024 NGA conference and details the benefits of Council representation. The report also details the costs associated with sending delegates and presents the request for the Lord Mayor and other councillors to attend

ITEM 8 JANUARY 2024 FINANCIALS

The financial result for January 2024 compared to budget is favourable for the Operating Result [pre-capital] \$11M. Funds Available from Operations was favourable compared to budget \$1.3M and the Total Funds Result, favourable \$5.6M compared to budget.

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

Council has expended \$48.1M on its capital works program representing 48.9% of the annual budget. The budget for the same period was \$49.5M.

RECOMMENDATION

- 1 The financials be received and noted.
- 2 Council endorses the proposed changes to the Capital Budget for January 2024.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer

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

ATTACHMENTS

- 1 Financial Statements - January 2024
- 2 Capital Project Report – January 2024

BACKGROUND

This report presents the Financial Performance of the organisation as at January 2024. The below table provides a summary of the organisation's overall financial results for the year.

Wollongong City Council	Original	Revised	YTD	YTD	
26 January 2024	Budget	Budget	Forecast	Actual	Variation
Forecast Position	\$M	\$M	\$M	\$M	\$M
	1-Jul	26-Jan	26-Jan	26-Jan	
Operating Revenue	319.0	300.9	173.2	179.1	5.9
Operating Costs	(330.4)	(352.4)	(204.8)	(199.7)	5.1
Operating Result [Pre Capital]	(11.4)	(51.5)	(31.6)	(20.6)	11.0
Capital Grants & Contributions	38.7	45.0	22.5	18.7	(3.8)
Operating Result	27.3	(6.5)	(9.1)	(1.9)	7.2
Funds Available from Operations	64.3	45.9	27.2	28.5	1.3
Capital Works	99.0	98.3	49.5	48.1	1.4
Contributed Assets	7.9	7.9	(0.0)	-	(0.0)
Transfer to Restricted Cash	11.0	14.0	8.0	8.0	-
Borrowings Repaid	2.6	2.6	1.3	1.3	-
Funded from:					
- Operational Funds	64.3	45.9	27.2	28.5	1.3
- Other Funding	56.1	58.3	21.6	24.6	3.0
Total Funds Surplus/(Deficit)	(0.2)	(18.5)	(9.9)	(4.3)	5.6

FINANCIAL PERFORMANCE

The January 2024 Operating Result [pre-capital] deficit of \$20.6M is a favourable variance of \$11M compared to the budget deficit of \$31.6M.

The Operating Result deficit of \$1.9M is a favourable variance of \$7.2M compared to budget.

The Funds Available from Operations result is favourable by \$1.3M 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 net variance is largely driven by an improvement in Interest and Investment Revenues at \$5.6M being favourable to budget by \$1.2M.

The Total Funds result as at 26 January 2024 is a favourable variance of \$5.6M compared to phased budget.

At the end of January, the Capital Works Program had an expenditure of \$48.1M compared to a budget of \$49.5M.

FINANCIAL POSITION

Cash, Investments & Available Funds

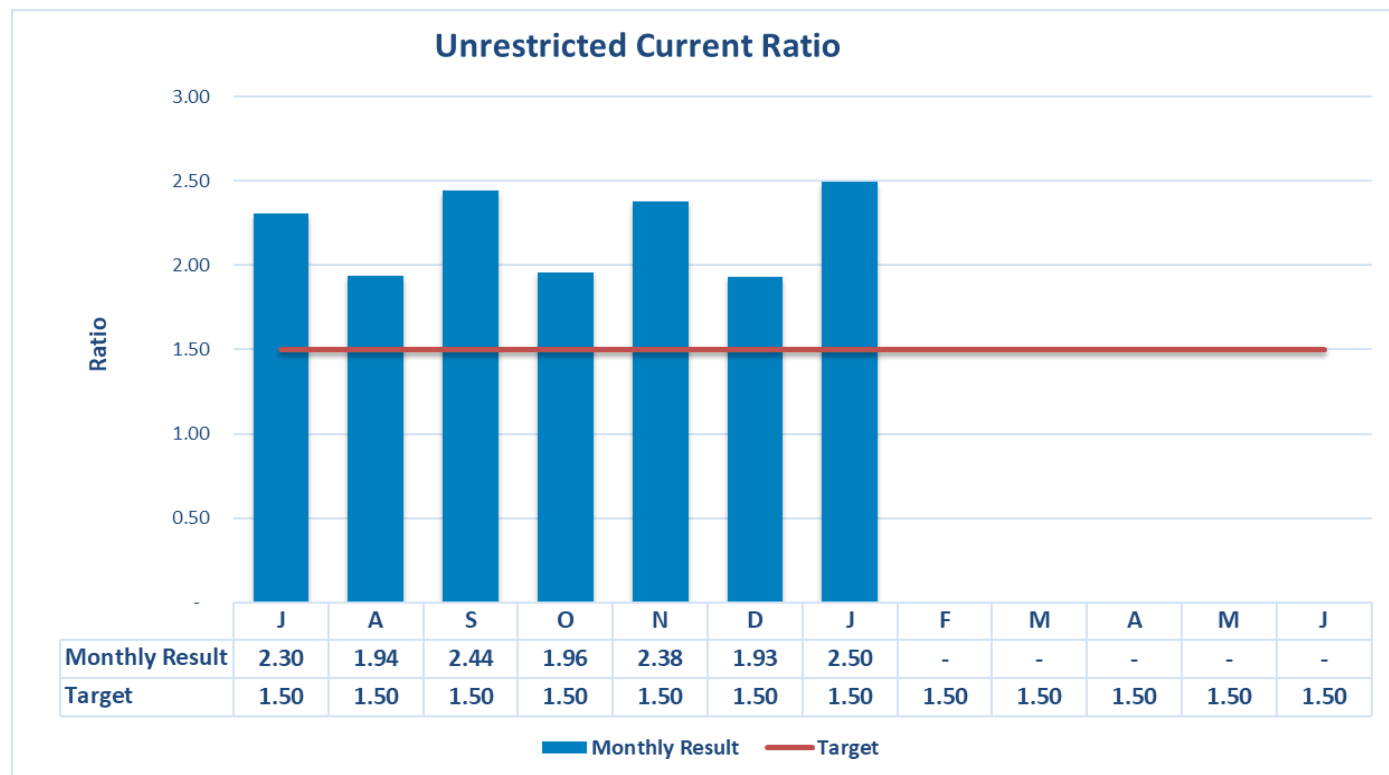
Council's cash and investments decreased during January 2024 to holdings of \$171.9M compared to \$184.1M at the end of December 2023. A significant portion of these funds are subject to restriction meaning they can only be utilised for specific purposes. As a result, Council's true available cash position is more accurately depicted by considering available funds that are uncommitted and not subject to restriction.

Wollongong City Council 26 January 2024 Cash, Investments and Available Funds				
	Actual 2022/23	Original Budget 2023/24	Current Budget 2023/24	Actuals YTD January 2024
	\$M	\$M	\$M	\$M
Total Cash and Investments	177.2	133.3	147.2	171.9
Less Restrictions:				
External	94.2	66.0	67.3	86.6
Internal	61.7	63.8	65.0	68.2
CivicRisk Investment	2.9			2.9
Total Restrictions	158.8	129.8	132.3	157.6
Available Cash	18.4	3.5	14.9	14.3
Adjusted for :				
Payables	(22.3)	(29.7)	(31.5)	(21.5)
Receivables	33.1	27.9	25.9	29.7
Other	6.3	13.2	6.3	10.6
<i>Current Contract Assets</i>	3.8	9.7	3.8	8.0
<i>Other</i>	6.4	7.1	6.4	6.6
<i>Contract Liabilities</i>	(3.9)	(3.6)	(3.9)	(4.1)
Inventories - movement				0.0
Net Payables & Receivables	17.1	11.4	0.7	18.7
Available Funds	35.5	14.9	15.6	33.0

External restrictions are funds that must be spent for a specific purpose and cannot be used by Council for general operations. Internal restrictions are funds that Council has determined will be used for a specific future purpose, although Council may vary that use by resolution of Council. Further details on the internal and external restrictions can be found in the Cash Flow Statement (Attachment 1).

The level of cash and investments in Council's available funds position is still above the Financial Strategy target range of 3.5% to 5.5% of operational revenue (pre-capital) due to the impact of the early payment of the Financial Assistance Grant. The decrease in cash and investments is in line with anticipated cash flows.

The Unrestricted Current Ratio measures the Council's liquidity position or ability to meet short term obligations as they fall due. The below graph reflects Council's performance against the Local Government benchmark of greater than 1.5 times.



Borrowings

Council continues to have financial strength in its low level of borrowing. Council's Financial Strategy includes provision for additional borrowing in the future and Council will consider borrowing opportunities from time to time to bring forward the completion of capital projects where immediate funding is not available.

Infrastructure, Property, Plant & Equipment

The Statement of Financial Position shows that \$3.68B of assets (written down value) are controlled and managed by Council for the community at 26 January 2024.

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 January through a favourable result for *Funds Available from Operations Budget versus Actual* and *Expenditure year to date verses Budget year to date*.

Wollongong City Council							
1 July 2023 to 26 January 2024							
Income Statement							
	2023/24 Original Budget \$'000	2023/24 Current Budget \$'000	2023/24 YTD Budget \$'000	2023/24 Actual YTD \$'000	Variance \$'000		
Income From Continuing Operations							
Revenue:							
Rates and Annual Charges	232,236	231,380	132,759	132,877	118		
User Charges and Fees	39,001	36,037	21,173	21,449	276		
Interest and Investment Revenues	5,693	7,682	4,470	5,636	1,166		
Other Revenues	6,199	6,026	3,315	3,463	147		
Rental Income	6,335	6,746	3,943	4,153	210		
Grants & Contributions provided for Operating Purposes	29,533	12,995	8,351	12,293	3,943		
Grants & Contributions provided for Capital Purposes	38,728	45,000	22,537	18,704	(3,832)		
Other Income:							
	0	0	0	0	0		
Profit/Loss on Disposal of Assets	0	0	(813)	(812)	0		
Total Income from Continuing Operations	357,724	345,866	195,735	197,763	2,028		
Expenses From Continuing Operations							
Employee Costs	154,642	158,693	90,410	88,469	1,941		
Borrowing Costs	548	548	314	437	(122)		
Materials & Services	94,923	105,806	63,767	57,293	6,473		
Other Expenses	24,537	24,243	13,902	14,522	(620)		
Depreciation, Amortisation + Impairment	79,116	86,116	49,411	49,260	151		
Labour Internal Charges	(21,106)	(20,756)	(11,654)	(9,389)	(2,265)		
Non-Labour Internal Charges	(2,249)	(2,295)	(1,317)	(928)	(389)		
Total Expenses From Continuing Operations	330,411	352,355	204,834	199,664	5,169		
Operating Result	27,314	(6,489)	(9,098)	(1,901)	7,197		
Operating Result [pre capital]	(11,414)	(51,489)	(31,635)	(20,606)	11,029		
Funding Statement							
Net Operating Result for the Year	27,314	(6,489)	(9,098)	(1,901)	7,197		
Add back :							
- Non-cash Operating Transactions	97,176	105,881	62,021	61,681	(339)		
- Restricted cash used for operations	14,690	29,567	19,660	15,561	(4,099)		
- Income transferred to Restricted Cash	(59,505)	(67,646)	(36,333)	(34,639)	1,694		
Leases Repaid	(152)	(152)	(87)	(274)	(186)		
Payment of Employee Entitlements	(15,251)	(15,251)	(8,917)	(11,925)	(3,007)		
Funds Available from Operations	64,272	45,910	27,245	28,504	1,259		
Loans Repaid	(2,564)	(2,564)	(1,274)	(1,275)	(0)		
Advances (made by) / repaid to Council	0	0	0	0	0		
Operational Funds Available for Capital Budget	61,708	43,346	25,971	27,230	1,259		
Capital Budget Statement							
Assets Acquired	(99,037)	(98,307)	(49,462)	(48,148)	1,313		
Contributed Assets	(7,876)	(7,876)	0	0	(0)		
Transfers to Restricted Cash	(11,046)	(13,973)	(8,017)	(8,017)	0		
Funded From :-							
- Operational Funds	61,708	43,346	25,971	27,230	1,259		
- Sale of Assets	1,728	1,728	578	286	(291)		
- Internally Restricted Cash	13,473	14,288	3,554	3,606	53		
- Borrowings	0	0	0	0	0		
- Capital Grants	22,548	24,063	12,144	15,503	3,359		
- Developer Contributions (Section 94)	9,021	9,338	4,467	3,976	(491)		
- Other Externally Restricted Cash	0	0	0	50	50		
- Other Capital Contributions	9,326	8,876	840	1,197	358		
TOTAL FUNDS SURPLUS / (DEFICIT)	(156)	(18,519)	(9,925)	(4,317)	5,609		

WOLLONGONG CITY COUNCIL

Statement of Financial Position
as at 26 January 2024

	YTD Actual 2023/24 \$'000	Actual 2022/23 \$'000
Current Assets		
Cash Assets	26,847	44,371
Investment Securities	112,980	99,424
Receivables	29,704	33,100
Inventories	6,501	6,486
Current Contract Assets	8,003	3,795
Other	6,597	6,351
Assets classified as held for sale	65	65
Total Current Assets	190,698	193,592
Non-Current Assets		
Non Current Cash Assets	29,200	30,450
Non Current Investment Securities	2,862	2,862
Non-Current Inventories	0	0
Property, Plant and Equipment	3,676,603	3,680,312
Investment Properties	5,050	5,050
Intangible Assets	0	0
Right-Of-Use Assets	1,190	718
Total Non-Current Assets	3,714,905	3,719,392
TOTAL ASSETS	3,905,603	3,912,984
Current Liabilities		
Current Payables	21,529	22,272
Current Contract Liabilities	8,464	10,315
Current Lease Liabilities	117	129
Current Provisions payable < 12 months	14,377	16,748
Current Provisions payable > 12 months	44,689	44,689
Current Interest Bearing Liabilities	2,572	2,572
Total Current Liabilities	91,748	96,725
Non-Current Liabilities		
Non Current Interest Bearing Liabilities	(618)	657
N/C Lease Liabilities	1,115	655
Non Current Provisions	28,733	28,371
Total Non-Current Liabilities	29,230	29,683
TOTAL LIABILITIES	120,978	126,408
NET ASSETS	3,784,625	3,786,576
Equity		
Accumulated Surplus	1,486,784	1,489,917
Asset Revaluation Reserve	2,147,529	2,149,063
Restricted Assets	150,311	147,596
TOTAL EQUITY	3,784,625	3,786,576

WOLLONGONG CITY COUNCIL			
Cash Flows and Investments			
as at 26 January 2024			
	YTD Actual 2023/24 \$ '000	Actual 2022/23 \$ '000	
Cash Flows From Operating Activities			
Receipts			
Rates & Annual Charges	137,258	215,632	
User Charges & Fees	29,206	31,914	
Interest & Interest Received	5,306	1,549	
Grants & Contributions	21,771	64,618	
Bonds, deposits and retention amounts received	-	1,201	
Other	9,590	21,387	
Payments			
Employee Benefits & On-costs	(81,722)	(131,464)	
Materials & Contracts	(63,844)	(86,914)	
Borrowing Costs	(75)	(442)	
Bonds, deposits and retention amounts refunded	-	(755)	
Other	(12,313)	(28,808)	
Net Cash provided (or used in) Operating Activities	45,178	87,918	
Cash Flows From Investing Activities			
Receipts			
Sale of Investments	20,548	54,491	
Sale of Investment Property			
Sale of Real Estate Assets			
Sale of Infrastructure, Property, Plant & Equipment	286	2,161	
Payments:			
Purchase of Investments	(33,866)	(59,990)	
Purchase of Investment Property	-	-	
Purchase of Infrastructure, Property, Plant & Equipment	(48,141)	(96,906)	
Net Cash provided (or used in) Investing Activities	(61,174)	(100,244)	
Cash Flows From Financing Activities			
Payments:			
Repayment of Borrowings & Advances	(1,275)	(5,496)	
Repayment of Finance Lease Liabilities	(254)	(380)	
Net Cash Flow provided (used in) Financing Activities	(1,529)	(5,876)	
Net Increase/(Decrease) in Cash & Cash Equivalents	(17,525)	(18,202)	
plus: Cash & Cash Equivalents - beginning of year	44,371	52,320	
plus: Investments on hand - end of year	145,042	127,915	
Cash & Cash Equivalents and Investments - year to date	171,888	162,033	

WOLLONGONG CITY COUNCIL			
Cash Flows and Investments			
as at 26 January 2024			
	YTD Actual 2023/24 \$ '000	Actual 2022/23 \$ '000	
Total Cash & Cash Equivalents and Investments - year to date	171,888	162,033	
Attributable to:			
External Restrictions (refer below)	86,559	94,280	
Internal Restrictions (refer below)	68,170	61,684	
Unrestricted	17,159	16,228	
	171,888	162,033	
External Restrictions			
Developer Contributions	48,871	45,109	
RMS Contributions	404	2,158	
Specific Purpose Unexpended Grants	12,445	20,299	
Special Rates Levy Wollongong Mall	945	722	
Special Rates Levy Wollongong City Centre	94	94	
Local Infrastructure Renewal Scheme	-	-	
Unexpended Loans	855	883	
Domestic Waste Management	5,452	6,880	
Private Subsidies	7,035	6,848	
Housing Affordability	7,023	8,380	
Stormwater Management Service Charge	3,435	2,907	
Total External Restrictions	86,559	94,280	
Internal Restrictions			
Property Investment Fund	9,800	9,531	
Strategic Projects	30,269	27,181	
Sports Priority Program	946	893	
Car Parking Strategy	1,268	1,348	
MacCabe Park Development	1,976	1,890	
Darcy Wentworth Park	18	18	
Garbage Disposal Facility	12,078	10,083	
West Dapto Development Additional Rates	11,203	10,062	
Natural Areas	173	173	
Lake Illawarra Estuary Management Fund	439	505	
Total Internal Restrictions	68,170	61,684	

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.

Commentary on January 2024 Capital Budget Report

On 26 June 2023, Council approved a capital budget for 2023-2024 of \$99.04M. During the period July-December, the budget was adjusted by both increases and decreases in various internal and external funding sources and the removal of Council revenue from the budget which resulted in a budget of \$98.31M at the end of December 2023. In January there are additional adjustments to both internal and external funding which resulted in the capital budget decreasing by \$618K to \$97.69M.

The significant funding adjustments in January 2024 are:

- Rephase Garbage Disposal Facility Restricted Asset funds for the new landfill cell project at Whytes Gully.
- Rephase Housing Acceleration Funding for West Dapto Road Upgrade (stages 2-4).
- Introduce Stormwater Services Charge Funding for Bellambi Gully Flood Mitigation project.
- Introduce additional Section 7:11 West Dapto developer contributions for a project on Shone Avenue.
- Introduction of PKCIF funding for King George V drainage/irrigation project.

Council achieved expenditure at the end of January 2024 of \$48.13M which is 97.3 % of the adjusted phased budget for January 2024 of \$49.46 M.

Listed below is a summary of the details of any significant budget changes, which resulted in changes to the 2023-2024 capital budget.

Program	Commentary on Significant Variations
Traffic Facilities	Reallocate Strategic Projects Reserve funding from Recreational Facilities project - Illawarra Escarpment Mountain Bike Trails Network to the sub project to upgrade car parking and access to the trail head adjacent to the Mount Kembla Motor Cross track.
West Dapto	Rephase Housing Acceleration Funding for West Dapto Road Upgrade (stages 2-4). Introduce additional Section 7:11 West Dapto developer contributions for a project on Shone Avenue.
Footpaths	Rephase Natural Disaster relief funding for footpath renewal works at Lawrence Hargrave Drive, Austinmer. Rephase Strategic Project Reserve funding for footpath work at The Ridge, Helensburgh. Introduce additional Strategic Project Reserve funding for North Wollongong Beach, Seawall Renewal Stage 1.
Floodplain Management	Introduce Stormwater Services Charge Funding for existing project Bellambi Gully Flood Mitigation. Introduce Stormwater Services Charge Funding for existing project Kanahooka Road Flap Gate.
Stormwater Management	Introduce additional Department of Planning and Environment funding for existing project - 21 Cliff Parade, headwall reconstruction.
Play Facilities	Rephase Section 7.12 Plan - City Centre developer contributions from existing project Wollongong Skate Park.
Recreational Facilities	Introduce additional Strategic Projects Reserve funding for Illawarra Escarpment Mountain Bike Trails Network. Reallocate a portion of the funding from Illawarra Escarpment Mountain Bike Trails Network to a sub project in Traffic Facilities program - project to upgrade car parking and access to the trail head adjacent to the Mount Kembla Motor Cross track.
Sporting Facilities	Introduce additional NSW Office of Sport Funding for existing project Fred Finch Park Netball Courts Stage 2.

Program	Commentary on Significant Variations
Treated Water Pools	Reallocate funds from Contingency for New Project Dapto Pool Heating System Replacement.
Whytes Gully New Cells	Rephase Garbage Disposal Facility Restricted Asset funds for the new landfill cell project at Whytes Gully.
Contingency	Reallocate funds from Contingency for New Project Dapto Pool Heating System Replacement.

CAPITAL PROJECT REPORT							
as at the period ended 26 January 2024							
ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000	
	CURRENT BUDGET		WORKING BUDGET			VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
Roads And Related Assets							
Traffic Facilities	1,925	(898)	2,234	(1,206)	622	309	(309)
Public Transport Facilities	563	(273)	563	(273)	813	(0)	(0)
Roadworks	13,710	(4,582)	13,714	(4,587)	11,106	5	(5)
Bridges, Boardwalks and Jetties	1,839	(1,169)	1,839	(1,169)	1,758	(0)	0
TOTAL Roads And Related Assets	18,037	(6,922)	18,350	(7,235)	14,299	313	(313)
West Dapto							
West Dapto Infrastructure Expansion	7,268	(7,195)	6,518	(6,445)	1,985	(750)	750
TOTAL West Dapto	7,268	(7,195)	6,518	(6,445)	1,985	(750)	750
Footpaths And Cycleways							
Footpaths	4,563	(2,805)	4,509	(2,751)	3,586	(54)	54
Cycle/Shared Paths	6,689	(1,924)	6,695	(1,930)	3,377	6	(6)
Commercial Centre Upgrades - Footpaths and Cyclewa	2,237	(292)	2,237	(292)	1,840	0	0
TOTAL Footpaths And Cycleways	13,489	(5,021)	13,441	(4,973)	8,802	(48)	48
Carparks							
Carpark Construction/Formalising	60	0	60	0	36	(0)	0
Carpark Reconstruction or Upgrading	845	0	845	0	102	0	0
TOTAL Carparks	905	0	905	0	138	0	0
Stormwater And Floodplain Management							
Floodplain Management	3,583	(2,994)	4,743	(4,154)	3,001	1,160	(1,160)
Stormwater Management	5,429	(394)	5,532	(497)	2,606	103	(103)
Stormwater Treatment Devices	60	0	60	0	8	(0)	0
TOTAL Stormwater And Floodplain Mar	9,072	(3,388)	10,334	(4,651)	5,615	1,263	(1,263)
Buildings							
Cultural Centres (IPAC, Gallery, Townhall)	80	0	80	0	324	(0)	0
Administration Buildings	600	(100)	600	(100)	201	0	0
Community Buildings	8,085	(1,750)	8,085	(1,750)	4,024	(0)	0
Public Facilities (Shelters, Toilets etc.)	125	(30)	125	(30)	2	0	0
TOTAL Buildings	8,890	(1,880)	8,890	(1,880)	4,551	(0)	0
Commercial Operations							
Tourist Park - Upgrades and Renewal	315	0	315	0	89	0	0
Crematorium/Cemetery - Upgrades and Renewal	535	0	535	0	79	0	0
Leisure Centres & RVGC	50	0	50	0	44	0	0
TOTAL Commercial Operations	900	0	900	0	213	0	0
Parks Gardens And Sportfields							
Play Facilities	2,898	(1,313)	2,873	(1,288)	1,407	(25)	25
Recreation Facilities	1,770	(1,520)	1,578	(1,328)	682	(192)	192
Sporting Facilities	18,172	(9,358)	18,459	(9,645)	6,405	287	(287)
TOTAL Parks Gardens And Sportfields	22,840	(12,191)	22,910	(12,261)	8,493	70	(70)
Beaches And Pools							
Beach Facilities	(0)	0	(0)	0	82	0	0
Rock/Tidal Pools	(0)	0	0	0	92	0	0
Treated Water Pools	470	(50)	495	(50)	158	25	0
TOTAL Beaches And Pools	470	(50)	495	(50)	331	25	0
Waste Facilities							
Whytes Gully New Cells	9,105	(9,105)	7,639	(7,639)	762	(1,466)	1,466
TOTAL Waste Facilities	9,105	(9,105)	7,639	(7,639)	762	(1,466)	1,466

CAPITAL PROJECT REPORT							
as at the period ended 26 January 2024							
ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000	
	CURRENT BUDGET		WORKING BUDGET			VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
Fleet							
Motor Vehicles	1,800	(949)	1,800	(949)	558	(0)	(0)
TOTAL Fleet	1,800	(949)	1,800	(949)	558	(0)	(0)
Plant And Equipment							
Mobile Plant (trucks, backhoes etc.)	3,295	(779)	3,295	(779)	986	(0)	(0)
TOTAL Plant And Equipment	3,295	(779)	3,295	(779)	986	(0)	(0)
Information Technology							
Information Technology	1,600	0	1,600	0	513	0	0
TOTAL Information Technology	1,600	0	1,600	0	513	0	0
Library Books							
Library Books	1,340	0	1,340	0	783	(0)	0
TOTAL Library Books	1,340	0	1,340	0	783	(0)	0
Public Art							
Art Gallery Acquisitions	100	0	100	0	36	0	0
TOTAL Public Art	100	0	100	0	36	0	0
Land Acquisitions							
Land Acquisitions	372	(372)	372	(372)	(6)	0	0
TOTAL Land Acquisitions	372	(372)	372	(372)	(6)	0	0
Non-Project Allocations							
Capital Project Contingency	(1,175)	0	(1,200)	0	0	(25)	0
TOTAL Non-Project Allocations	(1,175)	0	(1,200)	0	0	(25)	0
Not Applicable							
Not Applicable	0	0	0	0	66	0	0
TOTAL Not Applicable	0	0	0	0	66	0	0
GRAND TOTAL	98,307	(47,852)	97,689	(47,234)	48,125	(618)	618

ITEM 9 STATEMENT OF INVESTMENT - JANUARY 2024

This report provides an overview of Council's investment portfolio performance for the reporting period January 2024.

Council had an average weighted return for January 2024 of 0.33% which was marginally below the benchmark return of 0.37%. The result was primarily due to positive valuations of the consolidated Floating Rate Notes and NSW TCorp investments, but the performance was also impacted by some of the long-term deposits being purchased at comparatively lower rates during the COVID-19 period. 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 January 2024.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer

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

ATTACHMENTS

- 1 Statement of Investment – January 2024
- 2 Investment Income Compared to Budget 2023-2024

BACKGROUND

Council is 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 to ensure compliance with the Investment Policy. Council's Audit, Risk and Improvement Committee (ARIC) provides oversight of the review of Council's Investment Policy and the Management Investment Strategy.

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

Council's investment holdings at 26 January 2024 were \$171,182,366 (Statement of Investment attached) [27 January 2023 \$148,663,501] and include Council's interest in CivicRisk Mutual Ltd recognised at fair value as at 30 June 2023.

Council had an average weighted return for January 2024 of 0.33% which was marginally below the benchmark return of 0.37%. The result was primarily due to positive valuations of the consolidated Floating Rate Notes and NSW TCorp investments, but the performance was also impacted by some of the long-term deposits being purchased at comparatively lower rates during the COVID period. The remainder of Council's portfolio continues to provide a high degree of credit quality and liquidity. The global markets are still experiencing high levels of instability and the heightened volatility in interest rates, driven by the persistent ongoing inflation issues. Australia's sticky inflation is still tracking higher by international comparison and is providing levels of uncertainty in rates of return for the foreseeable future.

At 26 January 2024, year to date interest and investment revenue of \$4,954,568 was recognised compared to the year to date budget of \$3,828,417.

Council's 23 floating rate notes had a net increase in value of \$117,207 for January 2024.

Council holds two Mortgaged Backed Securities (MBS) that recorded a net increase in value of \$8,946 for January 2024. The market value of this security takes into account the extended term of the security along with the limited liquidity and the coupon margin reflects pre-Global Financial Crisis (GFC) pricing.

While the maturity dates are outside Council's control, the investment advisors had previously indicated capital is not at risk at that stage and recommended a hold strategy due to the illiquid nature of the investment.

Council holds two investments within the NSW TCorp Hour Glass Facility; Long-Term Growth Fund and Medium-Term Growth Fund. The Long-Term Growth recorded a net increase in value of \$45,803 and the Medium-Term Growth Fund recorded a net increase in value of \$10,683 in January 2024. 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.

At their February 2024 meeting, the Reserve Bank of Australia (RBA) decided to hold the official cash rate at 4.35%. The Board remains resolute in its determination to return inflation to target of 2–3% and will do what is necessary to achieve that outcome. The RBA will continue to monitor uncertainties regarding the global economy, trends in demand, developments and adjust policy as needed as based on the data and evolving assessment of risks.

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 (CBA), savings account which holds Council's operating cash balances. Through the banking services contract with the CBA, that includes a fixed margin over the current cash rate, Council's savings account provides a higher return than alternate short- to medium-term investments available to Council. At the end of January 2024, the exposure to CBA was 14.97%, which is below the 25% target set in the Investment Strategy.

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

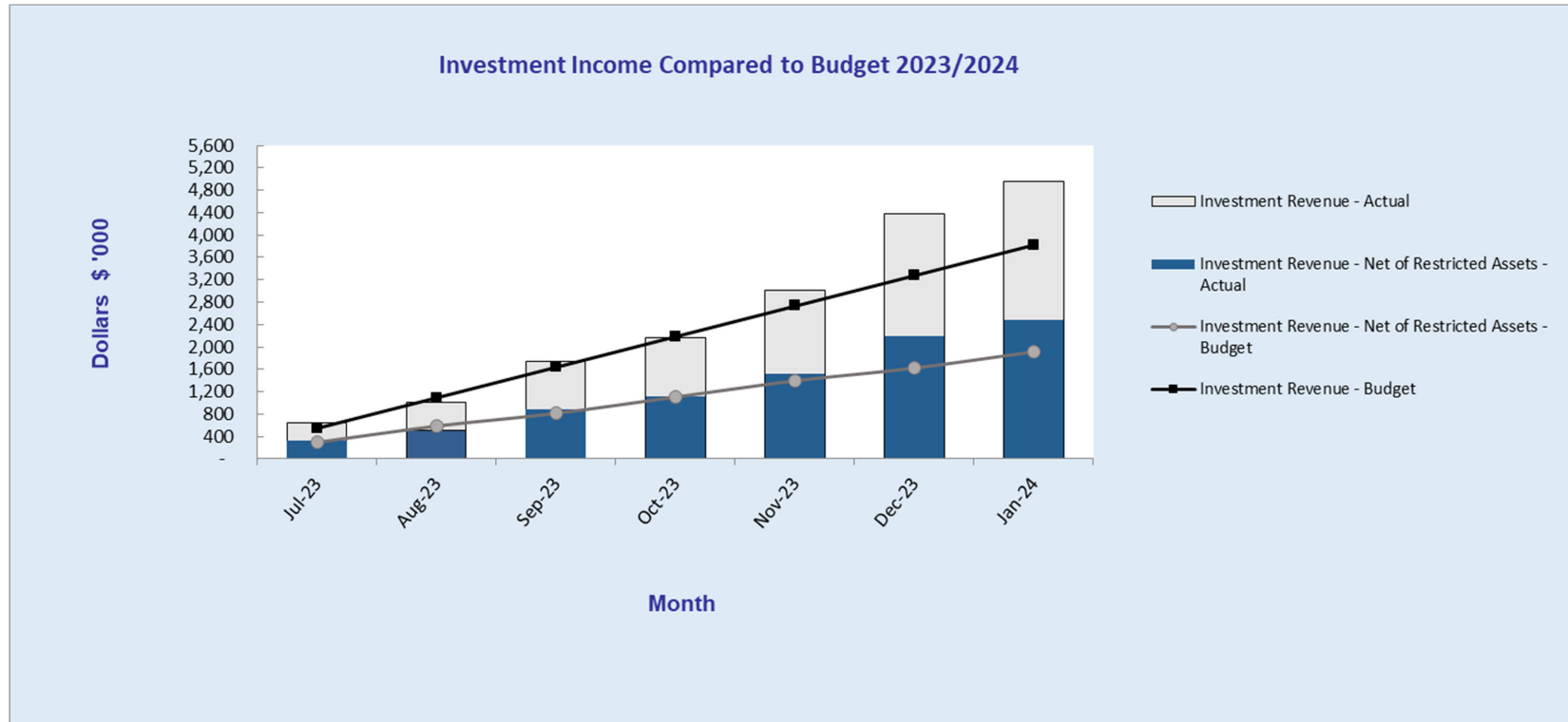
This report contributes to the delivery of Our Wollongong Our Future 2032 Goal 4 "We are a connected and engaged community". It specifically delivers on the following:

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 January 2024 recorded an average weighted return that was marginally below the AusBondBank Bill Index Benchmark and performed favourably when compared to the year-to-date budget.

Brian Jenkins
RESPONSIBLE ACCOUNTING OFFICER



ITEM 10

LATE REPORT - RELOCATION ASSISTANCE FOR LICENSEE GROUPS - WARRAWONG COMMUNITY CENTRE

Final stages of planning for the demolition and construction of Southern Suburbs Community Centre and Library are currently underway. The existing not for profit Licensees, Warrawong Residents Forum (WRF), Vietnamese Association of Wollongong (VAW) and Illawarra Legal Centre (ILA) are finalising arrangements for temporary accommodation to continue service delivery whilst the new Southern Suburbs Community Centre & Library (SSCC&L) is built. These groups have sought financial assistance to offset some of the costs for the relocation period, March 2024 to August 2025.

RECOMMENDATION

That Council provides financial assistance grants to the proposed recipients as outlined in this report, for the purpose of relocation assistance during the development of the Southern Suburbs Community Centre and Library.

REPORT AUTHORISATIONS

Report of: Sarah Taylor, Manager Libraries and Community Facilities

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

ATTACHMENTS

There are no attachments for this report

BACKGROUND

Negotiations have been ongoing with WRF, VAW and ILC for some time to find temporary accommodation during the construction of the new SSCC&L due to commence in May 2024. These groups have been advised that they must vacate the existing Warrawong Community Centre by the end of March 2024. ILC & VAW have successfully found alternate premises to meet this timeframe.

WRF have also found alternate premises but are yet to sign a lease pending confirmation of funding to cover the lease costs. Council has worked extensively to identify alternate (external) funding options, to no avail. A review of existing operational budgets has identified suitable funds to provide certainty for the Licensees and ensure continuity of service to community.

An extension in the vacate date for WRF to 30th April 2024 has been negotiated to ensure continuation of their services to the public.

PROPOSAL

Warrawong Resident's Forum is currently negotiating with a local real estate agent to secure a lease for premises 1/210-222 Cowper Street, Warrawong. This site will require a fit out to enable WRF to continue to provide essential services to the local community, noting that the lunch program will not be able to continue as there is no kitchen facility within this building. WRF have applied for a grant to fund the fit out.

WRF has applied to Council for a financial contribution of \$33,000 per annum to cover the rent for the period March 2024 to August 2025.

VAW has secured temporary accommodation at The Temple, Wollongong. VAW has also applied to Council for a financial contribution of \$18,200 per annum to cover the rent for the period March 2024 to August 2025.

ILC have secured a site in Market Street Wollongong and are seeking a contribution of \$5,000 p.a. for the period March 2024 to August 2025.

The total contribution from Council of \$52,200 p.a. is to be funded from existing budgets within Library & Community Facilities (PJ 121517).

In accordance with the Local Government Act s356, a Council resolution is required to provide financial assistance. This report meets the necessary legislative requirements.

CONSULTATION AND COMMUNICATION

The following Council Divisions were consulted and provided input for this report:

- Library and Community Facilities Division
- Infrastructure Strategy & Planning (Building & Facilities Planning)
- Property & Recreation (former)
- Community Culture & Engagement (Engagement)
- Legal Division
- Finance Division

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 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
4.6 Support and strengthen the local community services sector.	Community Facilities

RISK MANAGEMENT

The risks associated with each site/option include:

Licensee

- Lack of relocation assistance funding will see their valued community services interrupted or cease for a period
- Reputational risks in not delivering services
- Financial

Council

- Reputational risks in not maintaining services
- Financial, particularly if the construction of SSCC&L does not meet suggested timeframes

FINANCIAL IMPLICATIONS

Budget for the proposed financial assistance for the Licensees will be sourced from redirection of existing funds (PJ 121517).

CONCLUSION

Council recognises and acknowledges the valuable social services provided by these groups. Ongoing support by way of the relocation contribution will assist these groups to continue to provide services and maintain strong community connection in this vulnerable area.