



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 PM

Monday 8 April 2024

**Present**

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

Deputy Lord Mayor – Councillor Tania Brown

Councillor Ann Martin

Councillor Cameron Walters

Councillor Cath Blakey

Councillor David Brown

Councillor Dom Figliomeni

Councillor Elisha Aitken

Councillor Janice Kershaw

Councillor 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

Chief Financial Officer

Chief Digital + Information Officer

Manager Customer + Business Integrity

Manager Sport + Recreation (attended via audio-visual link)

Manager Commercial Operations + Property

Manager City Strategy

Manager City Works (attended via audio-visual link)

Manager Infrastructure Strategy + Planning (Acting)

Manager Open Space + Environmental Services

Manager Community Culture + Engagement

Greg Doyle

Joanne Page

Linda Davis

Renee Campbell

Brian Jenkins

Ingrid McAlpin

Todd Hopwood

Mark Berriman

Lani Richardson

Chris Stewart

Roger Stewardson

Nathan McBriarty

Paul Tracey

Sue Savage

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.

**Apologies**

Min No.

**938** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor R Martin seconded Councillor Walters that the apology tendered on behalf of Councillor Dorahy be accepted.

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## CLOSED SESSION

- ITEM C1 CONFIDENTIAL: Domestic Waste Management T13/13 Organics Processing Contract
- 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) 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.*
- ITEM C2 CONFIDENTIAL: Domestic Waste Management T13/22 Collection Services Contract
- 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) 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.*

## CONFLICTS OF INTERESTS

Councillor Ann Martin declared a non-significant, non-pecuniary interest in Item 3 - Post Exhibition - Planning Proposal - Review of large R2 zoned lots in the Illawarra Escarpment Foothills as she is employed by the Department of Planning and Environment and Item 4 - .Post Exhibition - Planning Proposal - Reclassification 340 West Dapto Road, Stream Hill. As she has no involvement in planning matters relating to the Wollongong LGA, Councillor A Martin advised she would remain in the meeting during debate and voting on the item.

## PRESENTATIONS

The Lord Mayor, Councillor Bradbery, acknowledged Councillor Janice Kershaw's 29 years of service to the community as a Councillor.

## CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 18 MARCH 2024

**939** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that the Minutes of the Ordinary Meeting of Council held on Monday, 18 March 2024 (a copy having been circulated to Councillors) be taken as read and confirmed.

## PUBLIC ACCESS FORUM

ITEM NO	TITLE	NAME OF SPEAKER
B	Lord Mayoral Minute – Mt Ousley Interchange – Active Transport Infrastructure	George Takacs Healthy Cities Illawarra <b>For Recommendation</b>
B	Lord Mayoral Minute – Mt Ousley Interchange – Active Transport Infrastructure	Felix Bronneberg Keiraville Residents Action Group Inc. <b>For Recommendation</b>
1	Public Exhibition – Draft Delivery Program 2022-2026 And Operational Plan 2024-2025	Emma Rooksby <b>For Recommendation</b>
3	Post Exhibition – Planning Proposal – Review Of Large R2 Zoned Lots In The Illawarra Escarpment Foothills	Neil Tomlin <b>Against Recommendation</b>
Non-Agenda Item	Cawley Street – Parker Road To Murray Road Traffic Safety	George Simitsiotis

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

## CALL OF THE AGENDA

- 941 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the staff recommendations for Items 4 to 7 inclusive be adopted as a block.

## ITEM A - LORD MAYORAL MINUTE - FINANCIAL SUSTAINABILITY OF LOCAL GOVERNMENT

- 942 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Wollongong City Council prepare a submission to -
- a The NSW Standing Committee on State Development inquiry into the financial sustainability of local government to fund infrastructure and services given the significant financial challenges faced by local government in NSW, more specifically Wollongong City Council. The submission should note rate capping has eroded the ability of local government to meet the demands and expectations of their communities.
  - b The Australian House of Representatives Standing Committee on Regional Development, Infrastructure and Transport inquiry on financial sustainability and funding of local government. The submission should emphasise the need to restore Financial Assistance Grants to at least one percent of Commonwealth taxation revenue in the light of the continual erosion of these grants.

## ITEM B - LORD MAYORAL MINUTE - MOUNT OUSLEY INTERCHANGE - ACTIVE TRANSPORT INFRASTRUCTURE

- 943 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Wollongong City Council calls on Transport for NSW to -
- 1 Reinstate the active transport bridge over Mount Ousley Road (as part of Mount Ousley Interchange Project) to ensure safe pedestrian and cycle access for the residents of the northern suburbs.
  - 2 Update Council and stakeholders on the latest investigations on the safety and reliability of the M1 Princes Motorway, especially pertaining to the section between Picton Road and new Mount Ousley Interchange.

## DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item B, Councillor Walters departed and returned to the meeting, the time being from 6:49 pm to 6:51 pm.

During debate and prior to voting on Item B, Councillor Cox departed and returned to the meeting, the time being from 7:03 pm to 7:05 pm

## ITEM 1 - PUBLIC EXHIBITION - DRAFT DELIVERY PROGRAM 2022-2026 AND OPERATIONAL PLAN 2024-2025

- 944 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that -
- 1 Council endorse the Draft Delivery Program 2022-2026 and Operational Plan 2024-2025, including the Draft Budget 2024-2025, Draft Infrastructure Delivery Program 2024-2025 – 2027-2028 and Draft Revenue Policy, Rates, Annual Charges and Fees 2024-2025, to be placed on public exhibition from 10 April to 7 May 2024.
  - 2 Following public exhibition, the Draft Delivery Program 2022-2026 and Operational Plan 2024-2025, Draft Budget 2024-2025, Draft Infrastructure Delivery Program 2024-2025 – 2027-2028 and Draft Revenue Policy, Rates, Annual Charges and Fees 2024-2025 be presented to Council for adoption.

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

## ITEM 2 - PUBLIC EXHIBITION - WOLLONGONG INTEGRATED TRANSPORT STRATEGY

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

- 1 The draft Wollongong Integrated Transport Strategy be endorsed for public exhibition for a minimum period of 28 days.
- 2 Following public exhibition, a report on submissions and recommendations be presented to Council for consideration and finalisation of the Wollongong Integrated Transport Strategy.
- 3 Council include in its Integrated Transport Action Plan "Lobby state government to change legislation to allow bikes to be used on buses".

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

## DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 2, Councillor T Brown departed and returned to the meeting, the time being from 8:21 pm to 8:22 pm.

During debate and prior to voting on Item 2, Councillor R Martin departed and returned to the meeting, the time being from 8:26 pm to 8:27 pm.

During debate and prior to voting on Item 2, Councillor Kershaw departed and returned to the meeting, the time being from 8:31 pm to 8:33 pm.

## ITEM 3 - POST EXHIBITION - PLANNING PROPOSAL - REVIEW OF LARGE R2 ZONED LOTS IN THE ILLAWARRA ESCARPMENT FOOTHILLS

946 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that -

- 1 The Planning Proposal to amend Wollongong Local Environmental Plan 2009 Land Use Zoning, Minimum Lot Size, Floor Space Ratio and Height of Building for multiple lots in the Illawarra Escarpment foothills, be progressed to finalisation, with the following amendments -
  - a 2 and 14 Cosgrove Avenue, Keiraville include a C3 Environmental Management zone along the edge of the adjoining R2 Low Density Residential zone to enable Asset Protection Zones.
  - b Lot 1019 DP 811085 Ribbonwood Road, Farmborough Heights, minor increase in the C4 Environmental Living zone to accommodate an Asset Protection Zone.
  - c Hill Crest Home 1A Railway Crescent, Stanwell Park – retain the R2 Low Density Residential zone to retain the permissibility of the aged care facility, but progress the other amendments.
  - d 107 Derribong Drive, Cordeaux Heights – amend the Minimum Lot Size Map to coincide with the approved subdivision.
- 2 The General Manager exercise plan making delegations, in accordance with Council's resolution of 3 April 2023, and the Department of Planning, Housing and Infrastructure be requested to legally draft the relevant map amendment in Wollongong Local Environmental Plan 2009.

## DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 3, Councillor Bradbery departed the meeting, the time being 9:02 pm. At this time, the Deputy Lord Mayor Councillor Tania Brown assumed the chair. The Lord Mayor resumed the chair when he returned to the meeting, the time being 9:04 pm.

## ITEM 4 - POST EXHIBITION - PLANNING PROPOSAL - RECLASSIFICATION 340 WEST DAPTO ROAD, STREAM HILL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 941)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that Planning Proposal PP-2023/4 for Lot 1 DP 657171, 340 West Dapto Road, Stream Hill seeking the reclassification from Community Land to Operational Land be finalised by Council exercising its functions as local plan-making authority as delegated by the Gateway Determination for the Planning Proposal dated 22 September 2023.

## ITEM 5 - TENDER T1000098 - PANEL FOR THE PROVISION OF WASTE MANAGEMENT, POLLUTION CONTROL AND USE OF RECYCLED MATERIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 941)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accepts the tender of suppliers marked as successful in Table 1 as schedule of rates contracts.
- 2 The contract be awarded for an initial term of 3 years, with 2 optional extensions of 1 year for a maximum term of 5 years. Any such extensions being exercised at the sole discretion of Council.
- 3 Council delegate to the General Manager the authority to finalise and execute the contracts and any other documentation required to give effect to this resolution.
- 4 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

## ITEM 6 - FEBRUARY 2024 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 941)

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

- 1 The financials be received and noted.
- 2 Council endorse the proposed changes to the Capital Budget for February 2024.

## ITEM 7 - STATEMENT OF INVESTMENT - FEBRUARY 2024

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 941)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that Council receive the Statement of Investment for February 2024.

## CLOSED COUNCIL SESSION

The Lord Mayor called for a motion to close the meeting to consider Confidential Items, which deal with Domestic Waste Management.

Prior to putting the Motion to the vote, the Lord Mayor advised the meeting that Items C1 and C2 relate to a reports to Council regarding Domestic Waste Management and that they are classified as Confidential for the following reasons –

Section 10A (2)(c) of the Local Government Act 1993, members of the public are advised that Items C1 and C2 are classified as confidential as the reports contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**947 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Walters seconded Councillor Blakey that –

- 1 The meeting move into Closed Session to consider reports to Council regarding domestic waste management, in accordance with Section 10A (2)(c) 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.
- 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 9:08 pm.

## ITEM C1 – DOMESTIC WASTE MANAGEMENT T13/13 ORGANICS PROCESSING CONTRACT

**948 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Blakey seconded Councillor Walters that –

- 1 Pursuant to section 55(3)(i) of the Local Government Act 1993, tenders not be invited for the Organic Processing Services contract. This is due to the extenuating circumstances, being the:
  - a December 2023 changes to the *Local Government (General) Amendment (Tendering) Regulation (No 2) 2023* (Waste Tendering Regulation) which are likely to reduce competition and increase the costs associated with the collection and treatment of waste
- 2 Council delegates authority to the General Manager to negotiate an extension to the current T13/13 contract via Deed of Agreement for a period of up to 3 years (2 years + 1 year)
- 3 A report describing the outcome of the negotiation process be submitted to the next available Council meeting following the successful extension to the contract.
- 4 Council endorses the proposal to undertake a subsequent joint tender for Organics Processing Services with Shellharbour City Council for the period commencing after the negotiated extension.
- 5 Council endorses an application be made to the Australian Competition and Consumer Commission (ACCC) for approval to undertake a joint procurement for Organics Processing Services with Shellharbour City Council

## **ITEM C2 – DOMESTIC WASTE MANAGEMENT T13/22 COLLECTION SERVICES CONTRACT**

**949 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor R Martin seconded Councillor Figliomeni that –

- 1 Pursuant to section 55(3)(i) of the Local Government Act 1993, tenders not be invited for the Domestic Waste Collection Services contract. This is due to extenuating circumstances, being the:
  - a December 2023 changes to the *Local Government (General) Amendment (Tendering) Regulation (No 2) 2023* (Waste Tendering Regulation) which are likely to reduce competition and increase the costs associated with the collection and treatment of waste; and
  - b Advice received from the ACCC that the Joint Tender application will not be supported in its current format.
- 2 Council delegates authority to the General Manager to negotiate an extension to the current T13/22 contract via Deed of Agreement for an additional 12-month period up to June 2027.
- 3 A report describing the outcome of the negotiation process be submitted to the next available Council meeting following the successful extension to the contract.

**950 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Walters seconded Councillor Aitken that the meeting move out of Closed Session and into Open Council.

Council resumed into Open Session at 9:12 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 Numbers 948 and 949)

## **THE MEETING CONCLUDED AT 9:16 PM**

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Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 6 May 2024.

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Chairperson