



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 2 May 2022

### Present

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

### In Attendance

General Manager	Greg Doyle
Director Infrastructure + Works, Connectivity Assets + Liveable City	Joanne Page
Director Planning + Environment, Future City + Neighbourhoods (attended electronically)	Linda Davis
Director Corporate Services, Connected + Engaged City	Renee Campbell
Director Community Services, Creative + Innovative City (attended electronically)	Kerry Hunt
Chief Financial Officer	Brian Jenkins
Chief Information Officer (attended electronically)	Ingrid McAlpin
Manager Governance + Customer Service	Todd Hopwood
Manager Property + Recreation	Lucielle Power
Manager City Strategy	Chris Stewart
Manager Project Delivery (attended electronically)	Glenn Whittaker
Manager Infrastructure Strategy + Planning (Acting) (attended electronically)	Chris O'Connor
Manager Open Space + Environmental Services (Acting) (attended electronically)	Vanni De Luca
Manager Community Cultural + Economic Development	Sue Savage
Manager Library + Community Services (attended electronically)	Jenny Thompson

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

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## CLOSED SESSION

- ITEM C1 CONFIDENTIAL: Wollongong Women's Information Service - Request for Discharge of Mortgage - 170 Corrimal Street, Wollongong

### 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)(d(i)) (d(ii)) of the Local Government Act, 1993, as the report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.*

## CONFLICTS OF INTERESTS

Councillor Figliomeni declared a non-significant, non-pecuniary conflict of interest in Item 8 – Tender T1000050 – Fishermans Beach Access Ramp – Gloucester Boulevard, Port Kembla, as he lives close to the site of the proposed works. Councillor Figliomeni advised he would remain in the meeting during debate and voting on the item.

Councillor T Brown declared a non-significant, non-pecuniary conflict of interest in Item 1 – Public Exhibition – Draft Our Wollongong Our Future 2032 Integrated Planning Documents, as her employer, University of Wollongong and Council are collaborators in the smart city space. Councillor T Brown advised she would remain in the meeting during debate and voting on the item.

## CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 4 APRIL 2022

654 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Kershaw that the Minutes of the Ordinary Meeting of Council held on Monday, 4 April 2022 (a copy having been circulated to Councillors) be taken as read and confirmed.

## PUBLIC ACCESS FORUM

ITEM	TITLE	NAME OF SPEAKER
NON-AGENDA ITEM	Flooding of Hewitts Creek and Impacts to Lachlan Street, Thirroul	Jen Byrne

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

## PETITION – PEDESTRIAN SAFETY ALONG THE AVENUE, MOUNT SAINT THOMAS

Councillor T Brown tabled a petition containing 581 signatures calling on Wollongong City Council to provide safe pedestrian access along The Avenue in Mount Saint Thomas by way of various traffic calming measures and for the 40km/h speed limit to be enforced.

## CALL OF THE AGENDA

666 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that the staff recommendations for Items 2, then 4 to 11 inclusive be adopted as a block.

## ITEM 1 - PUBLIC EXHIBITION - DRAFT OUR WOLLONGONG OUR FUTURE 2032 INTEGRATED PLANNING DOCUMENTS

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

- 1 Council endorse the Draft Community Strategic Plan 2032, Draft Delivery Program 2022-2026 and Operational Plan 2022-2023, Draft Resourcing Strategy 2032, Draft Budget 2022-2023, Draft Infrastructure Delivery Program 2022-2023 – 2025-2026 and Draft Revenue Policy, Fees and Charges 2022-2023 to be placed on public exhibition from 4 May to 31 May 2022.
- 2 Council note and approve that the Plans endorsed for exhibition as part of

Recommendation 1 include the preferred scenario of a permanent special variation of 1.8% under section 508(2) of the Local Government Act. If the variation is approved, Council will receive additional income of \$1,445,477 above the IPART rate peg of 1% in 2022-2023, indexed annually. This is required for the City to meet its obligations set for 2022-2023 and future years and to maintain financial sustainability. Council considered that the impact on ratepayers and the community was reasonable and consistent with the forward budget projections that were exhibited for community comment as part of the 2021/22 Operational Plan and Budget.

- 3 Following public exhibition, the Draft Community Strategic Plan, Draft Delivery Program 2022-2026 and Draft Operational Plan 2022-2023, Draft Resourcing Strategy 2032, Draft Budget 2022-2023, Draft Infrastructure Delivery Program 2022-2023 – 2025-2026 and Draft Revenue Policy, Fees and Charges 2022-2023 be presented to Council for adoption.

## **ITEM 2 - POST EXHIBITION - WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 CHAPTER E1: ACCESS FOR PEOPLE WITH DISABILITY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 666)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that Wollongong Development Control Plan 2009 Chapter E1: Access for People with Disability be adopted and a notice be placed on Council's website advising of its adoption.

## **DEPARTURE OF COUNCILLOR**

During debate and prior to voting on Item 3, Councillor Kershaw departed the meeting, the time being 6:45 pm, and was not present for voting on the item. Councillor Kershaw returned to the meeting at 6:49 pm at the conclusion of Item 3.

## **ITEM 3 - POST EXHIBITION - DRAFT CODE OF MEETING PRACTICE**

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

- 1 Council adopt the revised Code of Meeting Practice.
- 2 The Appointment of Councillor Delegates to Committees Policy be revoked as relevant provisions have been incorporated into the Code of Meeting Practice.
- 3 An amendment be made to clause 3.24 of the Code of Meeting Practice, with the addition of "The statement will also remind staff of their obligations under Council's Code of Conduct when preparing reports and answering questions during meetings of Council" to be placed at the end of the draft clause.

## **ITEM 4 - LEAVE OF ABSENCE - COUNCILLOR KERSHAW - 17 JUNE TO 17 JULY 2022**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 666)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that a Leave of Absence be granted to Councillor Kershaw for the period of 17 June to 17 July 2022, which includes a Councillor Briefing on 20 June 2022 and a Council meeting on 27 June 2022.

## **ITEM 5 - WASTE AND RESOURCE RECOVERY - FEES AND EXEMPTIONS - COUNCIL POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 666)

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

- 1 Council adopt the draft Waste and Resource Recovery – Fees and Exemptions Policy effective from 1 July 2022.
- 2 Council remove the fee exemption for Local Community Service Organisations, and continue to provide support for those organisations who hold an approved Waste Management Plan with -
  - a the provision of on-site recycling and sorting bins at the Wollongong Waste and Resource Recovery Park (WWRRP)
  - b Waste fee exemption (Full Gate Fee) for illegally dumped charitable waste on public land (outside the Organisation's premises or donation bins) once the incident is reported to Council and investigated prior to delivering the material to Wollongong Waste and Resource Recovery Park, with a maximum fee exemption per incident of \$3,000
  - c A reduction in the General (mixed) waste gate fee by the NSW EPA Waste Levy to eligible Community Service Organisations for mixed waste, not associated with illegal dumping.
- 3 Council remove the fee exemption for mixed and green waste for Pensioner Concession Cardholders and promote the following Wollongong Local Government Area (LGA) enhanced waste services -
  - a Two (2) garden organics drop-off events per year for Hazard Reduction purposes at locations throughout the LGA
  - b An additional kerbside recycling (yellow lidded bin) collection between Boxing Day and two weeks post Boxing Day
  - c Recycling events conducted in partnership with the NSW Environmental Protection Authority and the Illawarra Shoalhaven Joint Organisation including Household Chemical Collection events
  - d Kerbside on-call household clean-ups that are included in the current Annual Domestic Waste Management Charge.

## **ITEM 6 - REPAIR OF FAILED ROAD EMBANKMENT AND ASSOCIATED WORKS - HARRY GRAHAM DRIVE, MOUNT KEMBLA**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 666)

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

- 1 Pursuant to section 55(3)(i) of the Local Government Act 1993, tenders not be invited for the contract (or contracts) for the repair of the failed road embankment and associated works along Harry Graham Drive, Mt Kembla. This is due to extenuating circumstances, being the risk of further embankment failure causing further extended damage to the road embankment, the pending UCI Road World Championship cycling event planned for September 2022 and the potential restriction on access during the upcoming 2022/23 bushfire season should these works not be expedited.

- 2 Council delegate to the General Manager the authority to undertake and finalise a formal quotation process, in accordance with Council's procurement policies and procedures with available contractors with demonstrated experience and ability to undertake the works with a view to enter a contract (or contracts) for these works.
- 3 Council delegate to the General Manager authority to enter into a contract (or contracts) with the contractor or contractors selected following the process outlined in point 2 above.
- 4 A report describing the outcome of the procurement process be submitted to the next available Council meeting following the successful engagement of a contractor or contractors.

#### **ITEM 7 - TENDER T1000047 - ILLAWARRA PERFORMING ARTS CENTRE (IPAC) - BUILDING WORKS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 666)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of Momentum Built Pty Ltd for the Illawarra Performing Arts Centre Building Refurbishment, in the sum of \$3,613,520.90, including GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

#### **ITEM 8 - TENDER T1000050 - FISHERMANS BEACH ACCESS RAMP - GLOUCESTER BOULEVARDE, PORT KEMBLA**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 666)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of Milestone Construction Group Pty Ltd for the provision of the Fishermans Beach Access Ramp, in the sum of \$478,030.30, including GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

#### **ITEM 9 - TENDER T1000054 - BALFOUR ROAD, AUSTINMER - RETAINING WALL RECONSTRUCTION**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 666)

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

- 1 a In accordance with Section 178(1)(b) of the Local Government (General) Regulation

2021, Council decline to accept the single tender received for Balfour Road, Austinmer Retaining Wall Reconstruction and resolve to enter into negotiations with the single tenderer 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 the single tenderer 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 single tenderer, and in the event of failure of negotiations with this tenderer, 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 10 - MARCH 2022 FINANCIALS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 666)

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

- 1 The financials be received and noted.
- 2 Council endorse the proposed changes to the Capital Budget for March 2022.

#### **ITEM 11 - STATEMENT OF INVESTMENT - MARCH 2022**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 666)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that Council receive the Statement of Investment for March 2022.

#### **DEPARTURE OF COUNCILLOR**

During debate and prior to voting on Item 12, Councillor Cox departed and returned to the meeting, the time being from 7:00 pm to 7:02 pm.

During debate and prior to voting on Item 12, Councillor Blakey departed and returned to the meeting, the time being from 7:05 pm to 7:07 pm.

#### **ITEM 12 - NOTICE OF MOTION - COUNCILLOR RICHARD MARTIN - MOTION OF THANKS**

**669** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor R Martin seconded Councillor D Brown that Councillors formally acknowledge the hard work of the executive team and all Council staff over the past months due to the weather events the city has been experiencing. A special mention goes to all the work crews who have ensured that our city was kept safe. We say a big thank you to the whole team for going beyond the call of duty.



### ITEM 13 - NOTICE OF MOTION - COUNCILLOR JOHN DORAHY - FOOTPATHS

**670 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded Councillor Figliomeni that -

- 1 A briefing be provided to Councillors to discuss the importance of this Footpaths Motion to Wollongong residents and what is required to execute the requested 10-year Business Plan before bringing it to the next Budget process of 2023.
- 2 A briefing or Information Note outline the process to update and review the 'City of Wollongong Pedestrian Plan 2017-21'.

*Variation The variation moved by Councillor D Brown (the removal of the original point 1, the original point 2 to be the new point 1 and the addition of a new point 2) was accepted by the mover and seconder.*

### DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 14, Councillor D Brown departed and returned to the meeting, the time being from 7:48 pm to 7:50 pm.

### ITEM 14 - NOTICE OF MOTION - COUNCILLOR TANIA BROWN - WANIORA POINT RESERVE

**671 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor R Martin that -

- 1 Council write to the NSW State Government seeking confirmation of any plans to extend the Bulli Cemetery on adjacent land, at the corner of Owen and Carrington Streets, Bulli.
- 2 A briefing be arranged outlining mechanisms to preserve this reserve, and include whether a Plan of Management is suitable for this site, which would include a public consultation process.

### 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 a request for discharge of mortgage, in accordance with Section 10A (2) (d(i)) (d(ii)) of the Local Government Act, 1993.

Prior to putting the above Motion to the vote, the Lord Mayor advised the meeting that Item C1 relates to a report to Council regarding a request for discharge of mortgage and is classified as Confidential for the following reason -

- a Section 10A (2) (d(i)) (d(ii)) of the Local Government Act 1993, permits the meeting to be closed to the public, as the report contains information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of Council.

As no representations had been received from members of the public objecting to the closure of this section of the meeting, the Lord Mayor advised that members of the public should depart the Chamber and the webcast be paused while Council considers the item.

**672 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery seconded Councillor Figliomeni that -

- 1 The meeting move into Closed Session to consider a report to Council regarding -
  - a A request for discharge of mortgage, in accordance with Section 10A (2) (d(i)) (d(ii)) of the Local Government Act 1993, on the basis that the report contains information



of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of Council.

- 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 matter in open meeting.

There being no members present in the gallery, the MOTION was PUT to the VOTE and was CARRIED UNANIMOUSLY.

The meeting then moved into Closed Session at 7:52 pm.

**ITEM C1 – CONFIDENTIAL: WOLLONGONG WOMEN’S INFORMATION SERVICE – REQUEST FOR DISCHARGE OF MORTGAGE – 170 CORRIMAL STREET, WOLLONGONG**

**673 COUNCIL’S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Campbell that -

- 1 Council note the investigations carried out by Council to date with respect to the history of the matter and options available.
- 2 Council resolve to deal with Council’s interest in the land in line with Option 1 outlined in the report to Council.
- 3 The General Manager be granted authority to sign any documentation to give effect to this resolution.
- 4 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.

**674 COUNCIL’S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded Councillor Cox that the meeting move out of Closed Session and into Open Council.

Council resumed into Open Session at 7:55 pm.

**OPEN COUNCIL SESSION**

**RESOLUTIONS FROM THE CLOSED SESSION OF COUNCIL**

The Lord Mayor advised the meeting of Council’s Resolutions whilst in Closed Session (refer Minute Number 673).

**THE MEETING CONCLUDED AT 7:56 PM**

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 23 May 2022.

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Chairperson