



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:01 pm

Monday 28 June 2021

Present

Lord Mayor – Councillor Gordon Bradbery AM (in the Chair)
Deputy Lord Mayor – Councillor Tania Brown
Councillor Ann Martin
Councillor Cameron Walters
Councillor Cath Blakey
Councillor David Brown
Councillor Dom Figliomeni
Councillor Janice Kershaw

Councillor Jenelle Rimmer
Councillor John Dorahy
Councillor Leigh Colacino
Councillor Mithra Cox

In Attendance

General Manager
Director Infrastructure + Works, Connectivity Assets + Liveable City (Acting)
Director Planning + Environment, Future City + Neighbourhoods
Director Corporate Services, Connected + Engaged City
Director Community Services, Creative + Innovative City
Manager Governance + Customer Service
Chief Financial Officer
Manager Property + Recreation
Manager City Strategy
Manager City Works
Manager Project Delivery
Manager Infrastructure Strategy + Planning
Manager Open Space + Environmental Services (Acting)
Manager Community Cultural + Economic Development

Greg Doyle
Joanne Page
Linda Davis
Renee Campbell
Kerry Hunt
Todd Hopwood
Brian Jenkins
Lucielle Power
Chris Stewart
Corey Stoneham
Glenn Whittaker
Trish McClure
Paul Tracey
Sue Savage

Note: Due to current government requirements around social distancing obligations due to the COVID-19 pandemic, all Councillors and staff attended the Meeting of Council via Microsoft Teams. The Lord Mayor and General Manager were present in the Council Chambers for this meeting.

INDEX

	PAGE NO.
ITEM A Lord Mayoral Minute – Transport for NSW Consultation on Traffic Options in Bulli and Thirroul.....	2
ITEM 1 Post Exhibition - Delivery Program 2018-2022 and Draft Operational Plan 2021-2022 - Our Wollongong 2028	3
ITEM 2 Public Exhibition - Draft Tourism Accommodation Review - Discussion Paper	3
ITEM 3 Public Exhibition - Amendment to Development Control Plan Chapter D16 West Dapto Release Area - Neighbourhood Plan Review.....	4
ITEM 4 Post Exhibition - Draft King George V Park Recreation Master Plan.....	4
ITEM 5 Post Exhibition - Wollongong Development Control Plan 2009 Chapter E12: Geotechnical Assessment of Slope Instability	4
ITEM 6 Procurement of Electricity from Renewable Sources.....	4
ITEM 7 Optional Standard Local Environmental Planning Clause - Flood Planning	5
ITEM 8 Draft Planning Proposal and Draft Neighbourhood Plan for “Iowna” Precinct, Marshall Mount Road, Marshall Mount.....	5
ITEM 9 Policy Review: Graffiti Management Council Policy.....	6
ITEM 10 Policy Review: Crime Prevention Council Policy	6
ITEM 11 Proposed Acquisition of Portion of Lot 1 DP 197258, No 5 Franklin Avenue, Bulli for Road Widening in Colemans Lane, Bulli.....	6
ITEM 12 Tender T21/11 - Barina Park Detention Basin Remediation Works, Lake Heights.....	6
ITEM 13 Tender T21/13 - Review of Collins Creek Floodplain Risk Management Study and Plan	7
ITEM 14 Tender T21/16 - Cleaning Services for the Wollongong City Mall and City Centre Paved Areas.....	7
ITEM 15 May 2021 Financials	7
ITEM 16 Statement of Investment - May 2021	7
ITEM 17 City of Wollongong Traffic Committee Minutes of Meeting held 1 June 2021.....	8
ITEM 18 Notice of Motion - Councillor Cameron Walters - The Revitalisation of the CBD - Crown Street Mall Investigation.....	8

ITEM 19	Notice of Motion - Councillor Dom Figliomeni - Emissions Reduction	8
ITEM 20	Notice of Motion - Councillor Janice Kershaw - Guidelines for Working Beneath Council Assets	8

CLOSED SESSION

ITEM C1	CONFIDENTIAL: Confidential - Write Off Debt Following Court Proceedings.....	9
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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)(g) of the Local Government Act, 1993, as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

CONFLICTS OF INTERESTS

The Lord Mayor, Councillor Bradbery declared a non-pecuniary, non-significant conflict of interest in Item 18 – Notice of Motion – Councillor Cameron Walters – The Revitalisation of the CBD – Crown Street Mall Investigation, as he is a member and minister of the Church on the Mall (Uniting Church in Australia) and has non-pecuniary connections with some business and service providers in the Mall. The Lord Mayor advised he would remain in the meeting during debate and voting on the item.

Councillor Martin declared a pecuniary conflict of interest in Item 2 – Public Exhibition – Draft Tourism Accommodation Review – Discussion Paper, as she and her family ran a holiday letting in Port Kembla through Airbnb and other accommodation providers for approximately 11 years, although the property is now permanently tenanted. Councillor Martin advised she will depart the meeting during debate and voting on the item.

Councillor Martin also declared a non-pecuniary, non-significant conflict of interest in Item 8 – Draft Planning Proposal and Draft Neighbourhood Plan for “Iowna” Precinct, Marshall Mount Road, Marshall Mount, due to her employment with the Department of Planning. As she does not work on any projects associated with the Wollongong LGA, Councillor Martin advised she would remain in the meeting during debate and voting on the item.

Councillor Walters declared a non-pecuniary, non-significant conflict of interest in Item 6 – Procurement of Electricity from Renewable Sources, as he holds employment in the energy industry. Councillor Walters also declared a non-pecuniary, non-significant conflict of interest in Item 8 – Draft Planning Proposal and Draft Neighbourhood Plan for “Iowna Precinct, Marshal Mount Road, Marshall Mount, as his employer is mentioned in report to Council on the matter. Councillor Walters advised he would remain in the meeting during debate and voting on both items.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 31 MAY 2021

541 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the Minutes of the Ordinary Meeting of Council held on Monday, 31 May 2021 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM

ITEM	TITLE	NAME OF SPEAKER
6	Procurement of Electricity from Renewable Sources	Dr Judith Mitchell For Recommendation
1	Post Exhibition – Delivery Program 2018-20 and Draft Operational Plan 2021-2022 – Our Wollongong 2028	Kathy McDonough President Illawarra Stingrays For Recommendation
18	Notice of Motion – Councillor Cameron Walters – The Revitalisation of the CBD – Crown Street Mall Investigation	Steven Turner Colony Six For Recommendation

18	Notice of Motion – Councillor Cameron Walters – The Revitalisation of the CBD – Crown Street Mall Investigation	Craig Osborne RMB Lawyers For Recommendation
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542 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Figliomeni seconded Councillor Dorahy that all speakers be thanked for their presentation and invited to table their notes.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Kershaw that items 4, 9, 10 then 18 to 20 inclusive be laid on the Table. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

In favour Councillors Kershaw, Rimmer, T Brown, D Brown, Martin, Cox, Blakey, Colacino and Bradbery

Against Councillors Dorahy, Figliomeni and Walters

CALL OF THE AGENDA

543 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the staff recommendations for Items 3, 5, 7, 8 then 11 to 17 inclusive be adopted as a block.

CONFLICT OF INTEREST

Councillor Rimmer declared a non-pecuniary, non-significant conflict of interest in Item A – Lord Mayoral Minute – Transport for NSW Consultation on Traffic Options in Bulli and Thirroul, as she is employed by the Member for Keira who is mentioned in the item. Councillor Rimmer advised she would remain in the meeting during debate and voting on the item.

ITEM A - LORD MAYORAL MINUTE – TRANSPORT FOR NSW CONSULTATION ON TRAFFIC OPTIONS IN BULLI THIRROUL

544 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that -

- 1 Council write to the Minister for Transport and Roads concerning the consultation period on the proposed traffic management options for Princes Highway at Bulli and Lawrence Hargrave Drive at Thirroul.
- 2 Council request that consultation be extended until Friday 3 September 2021 to allow face-to-face engagement between Transport for NSW and residents and business owners.
- 3 Council forward a copy of the letter to the Members for Heathcote and Keira.
- 4 Council's submission be reported to the next Council meeting.
- 5 Other options for traffic management for the Thirroul and Bulli areas be identified for community feedback.

Variations The variation moved by Councillor Cox (the addition of point 4) was accepted by the mover.
The variation moved by Councillor Kershaw (the addition of point 5) was accepted by the mover.

ITEM 1 - POST EXHIBITION - DELIVERY PROGRAM 2018-2022 AND DRAFT OPERATIONAL PLAN 2021-2022 - OUR WOLLONGONG 2028

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

- 1 Council note the submissions received from the community and the proposed amendments of the exhibited Delivery Program 2018-2022 and draft Operational Plan 2021-2022 (Attachments 1 and 2).
- 2 Council adopt the suite of the Delivery Program 2018-2022 and draft Operational Plan 2021-2022 documents as amended post exhibition (Attachments 3 to 6).
- 3 Council adopt the Financial Strategy Policy post exhibition (Attachment 7).
- 4 Council make the rates and annual charges for the period 1 July 2021 to June 2022 as specified in the Post-Exhibition Revenue Policy 2021-2022 and note the minor changes from those exhibited in the draft Revenue Policy, Fees and Charges endorsed on 19 April 2021.
- 5 Council adopt the charge for Interest on Outstanding Rates and Charges of 6.0%.
- 6 The General Manager be authorised to make minor editorial amendments to the endorsed Delivery Program 2018-2022 and Operational Plan 2021-2022, including attachments.
- 7 Council acknowledge and thank community members and organisations for their participation and feedback during the process of developing the Integrated Planning and Reporting documents.
- 8 A Councillor Briefing be held to explore how DCP character statements can be used to reflect and support suburbs' future desired character, that the briefing outline the mechanisms and timelines to amend, develop and implement such DCP chapters.

DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor Martin departed the meeting at 7:25 pm, and was not involved in the debate nor voting on Item 2. Councillor Martin returned to the meeting at the conclusion of Item 2, the time being 7:26 pm.

ITEM 2 - PUBLIC EXHIBITION - DRAFT TOURISM ACCOMMODATION REVIEW - DISCUSSION PAPER

546 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Figliomeni that the draft Tourism Accommodation Review – Discussion Paper be exhibition for a minimum period of six (6) weeks to enable community and tourism industry input, to assist in the development of a draft Tourism Accommodation Strategy.

ITEM 3 - PUBLIC EXHIBITION - AMENDMENT TO DEVELOPMENT CONTROL PLAN CHAPTER D16: WEST DAPTO RELEASE AREA - NEIGHBOURHOOD PLAN REVIEW

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 543)

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

- 1 The amended draft Wollongong Development Control Plan 2009 Chapter D16: West Dapto Release Area be endorsed for public exhibition.
- 2 A Neighbourhood Planning Procedure be prepared and publish on Council's website.
- 3 Funding opportunities be investigated to allow for Council led Neighbourhood Planning of Priority Neighbourhoods.
- 4 Work commence on an amendment to Clause 6.2 (3) of Wollongong Local Environmental Plan, 2009 to make specific reference to heritage conservation and conceptual bulk earthworks. Once Local Planning Panel advice has been sought staff return to Council to obtain support to seek gateway determination allowing Council to proceed to public exhibition.

ITEM 4 - POST EXHIBITION - DRAFT KING GEORGE V PARK RECREATION MASTER PLAN

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Kershaw that Item 4 be laid on Table.

ITEM 5 - POST EXHIBITION - WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 CHAPTER E12: GEOTECHNICAL ASSESSMENT OF SLOPE INSTABILITY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 543)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Wollongong Development Control Plan 2009 Chapter E12: Geotechnical Assessment of Slope Instability 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 6, the Lord Mayor, Councillor Bradbery departed the meeting, the time being 7:30 pm. During the Lord Mayor's absence, Deputy Lord Mayor Councillor T Brown assumed the chair. The Lord Mayor resumed the chair when he returned to the meeting during Item 6, the time being 7:32 pm

ITEM 6 - PROCUREMENT OF ELECTRICITY FROM RENEWABLE SOURCES

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

- 1 Council enter the Binding Agreement for Tender and Resultant Contract with Procurement Australia for a NSW Renewable Power Purchase Agreement.
- 2 The General Manager be delegated authority to execute the relevant contract with the successful tenderer from the Procurement Australia tender process including purchasing LGC's for 100% renewable energy for the entire duration of the contract.
- 3 Council nominate to participate in the Tender Reference Group that will assist in the preparation and assessment of tenders for the Power Purchase Agreement.

Variation The variation moved by Councillor Cox (the addition of the words “including purchasing LGC’s for 100% renewable energy for the entire duration of the contract” at the end of point 2) was accepted by the mover and seconder.

An AMENDMENT was MOVED by Councillor Figliomeni seconded Councillor Dorahy that –

- 1 Council enter the Binding Agreement for Tender and Resultant Contract with Procurement Australia for a NSW Renewable Power Purchase Agreement.
- 2 The General Manager be delegated authority to execute the relevant contract with the successful tenderer from the Procurement Australia tender process including purchasing LGC’s for up to 100% renewable energy for the entire duration of the contract.
- 3 Council nominate to participate in the Tender Reference Group that will assist in the preparation and assessment of tenders for the Power Purchase Agreement.

Councillor Figliomeni’s AMENDMENT on being PUT to the VOTE was LOST.

In favour Councillors Dorahy, Figliomeni and Walters

Against Councillors Blakey, D Brown, T Brown, Colacino, Cox, Kershaw, Martin, Rimmer and Bradbery

Councillor Blakey’s MOTION was then PUT to the VOTE and was CARRIED UNANIMOUSLY to become the RESOLUTION.

ITEM 7 - OPTIONAL STANDARD LOCAL ENVIRONMENTAL PLANNING CLAUSE - FLOOD PLANNING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 543)

COUNCIL’S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that The NSW Department of Planning, Industry and Environment be advised that Council supports the inclusion of clause 5.22 Special flood considerations and all the nominated land uses, in the Wollongong Local Environmental Plan 2009.

ITEM 8 - DRAFT PLANNING PROPOSAL AND DRAFT NEIGHBOURHOOD PLAN FOR "IOWNA" PRECINCT, MARSHALL MOUNT ROAD, MARSHALL MOUNT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 543)

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

- 1 The draft Planning Proposal for the 301 Marshall Mount Road, Marshall Mount not be progressed at this time.
- 2 The proponent revise the draft Iowna Neighbourhood Plan in conjunction with the other landholder/developer representatives to update studies and reflect the current Wollongong LEP controls.
- 3 Following the revisions, the draft Iowna Neighbourhood Plan be exhibited for community input for a minimum period of 28 days, as an amendment to the Wollongong Development Control Plan – D16 West Dapto Release Area.

ITEM 9 - POLICY REVIEW: GRAFFITI MANAGEMENT COUNCIL POLICY

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Kershaw that Item 9 be laid on Table.

ITEM 10 - POLICY REVIEW: CRIME PREVENTION COUNCIL POLICY

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Kershaw that Item 10 be laid on Table.

ITEM 11 - PROPOSED ACQUISITION OF PORTION OF LOT 1 DP 197258, NO 5 FRANKLIN AVENUE, BULLI FOR ROAD WIDENING IN COLEMANS LANE, BULLI

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 543)

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

- 1 Council authorise the acquisition of the portion of Lot 1 DP 197258, No 5 Franklin Avenue, Bulli, refer Attachment 1.
- 2 Compensation for the acquisition be paid to the owner of Lot 1 DP 197258, No 5 Franklin Avenue, Bulli in the amount of \$100,000.00 (GST free).
- 3 Council be responsible for all disturbance costs as per section 59 of the Land Acquisition (Just Terms Compensation) Act 1991 including valuation, transfer and legal costs.
- 4 Upon the acquisition being finalised, the land be dedicated as public road pursuant to Section 10 of the Roads Act 1993.
- 5 The General Manager be granted authority to sign any documentation required to give effect to this resolution.
- 6 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

ITEM 12 - TENDER T21/11 - BARINA PARK DETENTION BASIN REMEDIATION WORKS, LAKE HEIGHTS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 543)

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Diverse Civil Contracting Pty Ltd for the Barina Park Detention Basin Remediation Works, in the sum of \$273,328.47, excluding 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 13 - TENDER T21/13 - REVIEW OF COLLINS CREEK FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 543)

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Catchment Simulation Solutions Pty Ltd for the Review of the Collins Creek Floodplain Risk Management Study and Plan, in the sum of \$146,396, excluding 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 14 - TENDER T21/16 - CLEANING SERVICES FOR THE WOLLONGONG CITY MALL AND CITY CENTRE PAVED AREAS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 543)

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

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Boab Services for the Cleaning Services of the Wollongong City Mall & City Centre Paved Areas, in the sum of \$179,896.00, excluding GST, being for a period of two years (plus three options to extend for a further duration of one year each, each option exercisable at Council's sole discretion).
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to the 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 15 - MAY 2021 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 543)

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

- 1 The financials be received and noted.
- 2 Council approves the proposed changes to the Capital Budget for April and May 2021.

ITEM 16 - STATEMENT OF INVESTMENT - MAY 2021

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 543)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Council receive the Statement of Investment for May 2021.

ITEM 17 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF MEETING HELD 1 JUNE 2021

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 543)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that in accordance with the powers delegated to Council, the Minutes and Recommendations of the City of Wollongong Traffic Committee held on 1 June 2021 in relation to Regulation of Traffic be adopted.

ITEM 18 - NOTICE OF MOTION - COUNCILLOR CAMERON WALTERS - THE REVITALISATION OF THE CBD - CROWN STREET MALL INVESTIGATION

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Kershaw that Item 18 be laid on Table.

ITEM 19 - NOTICE OF MOTION - COUNCILLOR DOM FIGLIOMENI - EMISSIONS REDUCTION

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Kershaw that Item 19 be laid on Table.

ITEM 20 - NOTICE OF MOTION - COUNCILLOR JANICE KERSHAW - GUIDELINES FOR WORKING BENEATH COUNCIL ASSETS

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Kershaw that Item 20 be laid on Table.

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 writing off debt following the conclusion of court proceedings, in accordance with Section 10A(2)(g) 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 writing off debt following the conclusion of court proceedings and is classified as Confidential for the following reason -

- 1 Section 10A(2)(g) of the Local Government Act 1993, permits the meeting to be closed to the public, as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

As no representations had been received prior to the meeting, from members of the public objecting to the closure of this section of the meeting, the Lord Mayor advised that the webcast will be paused while Council considers these items.

548 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Rimmer that -

- 1 The meeting move into Closed Session to consider a report to Council regarding writing off debt following the conclusion of court proceedings, in accordance with Section 10A(2)(g) of the Local Government Act 1993, on the basis that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- 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.

At this stage, the time being 8:14 pm, the meeting moved into Closed Session.

ITEM C1 – CONFIDENTIAL: WRITE OFF DEBT FOLLOWING COURT PROCEEDINGS

MOVED by Councillor T Brown seconded Councillor Rimmer that Council write off the debt of \$159,291.11 owed as rent and rates as set out in Council's records for Debtor No. 410459.

A PROCEDURAL MOTION was MOVED by Councillor Colacino seconded Councillor Kershaw that the item be deferred until the next Ordinary Meeting of Council in order to obtain clarification on the court ruling on the matter.

549 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Kershaw that the item be deferred until the next Ordinary Meeting of Council.

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

Council resumed into Open Session at 8:22 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 549).

Prior to closing the meeting, the Lord Mayor, Councillor Bradbery asked whether any Councillors wished to move a procedural motion that any items laid on the Table, be taken off the Table to be debated. No procedural motions were moved.

THE MEETING CONCLUDED AT 8:23 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 19 July 2021.

Chairperson