



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 20 July 2020

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
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 (Acting)
Manager Project Delivery
Manager Open Space + Environmental Services
Manager Community Cultural + Economic Development
Greg Doyle
Andrew Carfield
Linda Davis
Renee Campbell
Kerry Hunt
Todd Hopwood
Brian Jenkins
Lucielle Power
Chris Stewart
Corey Stoneham
Glenn Whittaker
Joanne Page
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 Skype. The Lord Mayor and General Manager were present in the Council Chambers for this meeting.

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CONFLICTS OF INTERESTS

Councillor Martin declared a non-pecuniary, non-significant conflict of interest in Item 3, Korrongulla Swamp, as she has a long-standing friendship with Mr Ian Wilson from Port Kembla Copper Property and some years ago raised the idea, as part of Tender Funerals with the Primbee community, of a possible green burial ground on the Korrongulla Site which did not proceed. Councillor Martin advised she would remain in the meeting and participate in the debate and voting on this item.

Councillor Blakey declared a significant, pecuniary conflict of interest in Item 1, Glennifer Brae Planning Proposal and Wollongong Botanic Garden Plan of Management, as her partner works in the manor house as a Conservatorium employee. Councillor Blakey advised that she would not participate in debate nor voting on the item.

Councillor Dorahy declared a non-pecuniary, non-significant perceived conflict of interest in Item 3, Korrongulla Swamp, as he is a Director of the Port Kembla Golf Club, part of the Aster Group as the subject property is nearby. Councillor Dorahy advised he would remain in the meeting and participate in the debate and voting on this item.

Councillor Figliomeni declared a non-pecuniary, non-significant conflict of interest in Item 3, Korrongulla Swamp, as he dealt with the property when he was CEO of the Port Kembla Port Corporation. Councillor Figliomeni advised he would remain in the meeting and participate in the debate and voting on this item.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 29 JUNE 2020

404 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Figliomeni that the Minutes of the Ordinary Meeting of Council held on Monday, 29 June 2020 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM

ITEM	TITLE	NAME OF SPEAKER
4	FOGO – Implementation and Grant Funding	Belinda Baccarini For Recommendation

405 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the speaker be thanked for her presentation and invited to table her notes.

CALL OF THE AGENDA

406 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the staff recommendations for Items 2, then 5 to 9 inclusive, and 11 be adopted as a block.

DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor Blakey advised at 6:09pm that she would not participate in the debate nor voting on Item 1. Councillor Blakey re-joined the meeting at 6:30pm.

ITEM 1 - GLENIFFER BRAE PLANNING PROPOSAL AND WOLLONGONG BOTANIC GARDEN PLAN OF MANAGEMENT AND MASTER PLAN

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

- 1 The Planning Proposal PP-2015/5 for the proposed Function Centre use of Gleniffer Brae site (Lot 3 DP 252694) be referred to the NSW Department of Planning, Industry and Environment for finalisation and the making of an LEP amendment, with an unresolved objection from the NSW Heritage Branch
- 2 The Wollongong Botanic Garden Plan of Management be adopted and finalised.
- 3 The endorsement of the Gleniffer Brae Conservation Management Plan by Heritage NSW continue to be progressed, to inform the Wollongong Botanic Garden Master Plan.
- 4 The Wollongong Botanic Garden Master Plan be reported to Council for consideration following the endorsement of the Gleniffer Brae Conservation Management Plan by Heritage NSW.
- 5 Council write to the State Government requesting they provide additional support to the heritage bodies with responsibilities in the planning system. This support can help them make timely decisions where they interact with councils' roles to make assessments or planning instruments.
- 6 The Wollongong Conservatorium of Music be assured of Council's continued support of their current lease arrangements.

Variation The variation moved by Councillor Martin (the addition of point 6) was accepted by the mover and seconder.

ITEM 2 - REVISED DRAFT PLANNING PROPOSAL FOR SHEAFFES ROAD SOUTH (INCLUDING 340 WEST DAPTO ROAD), KEMBLA GRANGE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 406)

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

- 1 The revised draft Planning Proposal be forwarded to the NSW Department of Planning, Industry and Environment for a revised Gateway determination.
- 2 Consultation occur with NSW Environment Energy and Science.
- 3 Landholders be informed of the revised Planning Proposal.
- 4 Following the issuing of a revised Gateway determination, the draft Planning Proposal be exhibited for a minimum period of 28 days.

ITEM 3 - KORRONGULLA SWAMP

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

- 1 Council not proceed further with the proposed land transfer negotiations for Korrongulla Swamp, Primbee (Lot 1 DP 653310 and Lot 2 DP 773067) due to -
 - a) Public and environmental health and safety risks associated with the lands and
 - b) It would not provide for appropriate community use and benefit.
- 2 Port Kembla Copper Properties be advised that Council is not willing to accept the lands.

An AMENDMENT was MOVED by Councillor Cox seconded Councillor Blakey that -

- 1 Council not proceed further with the proposed land transfer negotiations for Korrongulla Swamp, Primbee (Lot 1 DP 653310 and Lot 2 DP 773067) due to -
 - a) Public and environmental health and safety risks associated with the lands and
 - b) It would not provide for appropriate community use and benefit.
- 2 Port Kembla Copper Properties be advised that Council is not willing to accept the lands until such time as they have been remediated to a standard that is safe for community recreation.

The AMENDMENT was WITHDRAWN by the mover and seconder.

ITEM 4 - FOGO - IMPLEMENTATION AND GRANT FUNDING

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

- 1 Council introduce an enhanced organics collection service (FOGO) to households by incorporating food organics and increasing the service frequency to weekly commencing November 2020. The service frequency for the current fortnightly co-mingled recyclable service (yellow) and weekly residual waste service (red) will remain.
- 2 Council prepare a scope for a 12-month FOGO trial across Multi-unit Dwellings (MUDs), pending a successful grant application.
- 3 Council monitors and audit the success and cost of the FOGO program against forecast targets in accordance with the Department of Environment and Climate Change guidelines for conducting Household Kerbside Residual Waste Recycling and Garden Organics audit in NSW Local Government Areas and report back to Council on at least an annual basis following the program implementation.

Variation The variation moved by Councillor Figliomeni (the addition of point 3) was accepted by the mover and seconder.

ITEM 5 - WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2020

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 406)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the draft Wollongong City-Wide Development Contributions Plan (2020) (Attachment 1), be endorsed for exhibition for a minimum period of 28 days.

ITEM 6 - PROPOSED ACQUISITION OF PART LOT 219 DP 1245191 FOR WONGAWILLI ROAD/WEST DAPTO ROAD/SHONE AVENUE INTERFACE INTERSECTION UPGRADE PROJECT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 406)

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

- 1 Council acquire by authority contained within Section 177 of the *Roads Act 1993*, part Lot 219 DP 1245191 for the purpose of road widening.
- 2 Compensation be paid to the owner in the amount of \$44,000 (GST exclusive).
- 3 Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition of the subject land.
- 4 Upon acquisition being finalised, the land be dedicated as public road pursuant to Section 10 of the *Roads Act 1993*.
- 5 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.

ITEM 7 - PROPOSED CLASSIFICATION OF RECENTLY ACQUIRED WOLLONGONG CEMETERY LAND - LOT 4 SECTION 38 DP 759104 KENNY STREET, WOLLONGONG

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 406)

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

- 1 Following acquisition pursuant to Council resolution dated 24 February 2020, Lot 4 Section 38 DP 759104 be classified as Operational Land in accordance with Section 31 of the *Local Government Act 1993*.
- 2 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.

ITEM 8 - PROPOSED GRANT OF AN EASEMENT TO DRAIN WATER 1.0M WIDE OVER LOT 217 DP 25391

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 406)

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

- 1 Pursuant to section 46(a1) of the *Local Government Act 1993*, Council resolves to grant an easement to drain water 1.0m wide over Council Community land known as Lot 217 DP 25391, in favour of Lot 105 DP 25391 No 35 Yellagong Street, West Wollongong, as shown crosshatched on the attachments to this report.
- 2 Council accept payment in the amount of \$2,200.00 (GST free) from the owner of Lot 105 DP 25391 No 35 Yellagong Street, West Wollongong as compensation for the grant of the easement.
- 3 Approval be granted to affix the Common Seal of Council to the survey plan, Section 88B Instrument and any other documentation required to give effect to this resolution.
- 4 The applicant be responsible for all costs relating to the easement including valuation, survey, plan registration and legal costs, and any other costs incurred in this matter.

ITEM 9 - TENDER T19/47 - ADMINISTRATION BUILDING EFFICIENCY UPGRADES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 406)

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

- 1 a In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept the tender received for the Administration Building Efficiency Upgrades and resolve to enter into negotiations with the 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 clause 178(4) of the Local Government (General) Regulation 2005, the reason for Council hereby resolving to enter into negotiations with the 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 tenderer, and, in the event of failure of negotiations with the 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 - TENDER T20/08 - SUPPLY AND INSTALLATION OF A NEW FILTRATION SYSTEM AND ASSOCIATED WORKS - HELENSBURGH TODDLERS POOL

410 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Rimmer that -

- 1 a In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for T20/08 - Supply and Installation of a new filtration system and associated works to Helensburgh Toddlers Pool.
- b In accordance with clause 178(4) of the Local Government (General) Regulation 2005, the reason for Council hereby resolving to decline all of the tenderers is that none of the tenders received were within the allocated budget for this project.
- 2 Pursuant to section 55(3)i of the Local Government Act 1993, a new tender not be invited for the contract for the Supply and Installation of a new filtration system and associated works to Helensburgh Toddlers Pool due to extenuating circumstances, being the time frame required for tendering for this contract would involve the construction works extending significantly into the summer swimming season, with consequential adverse impact on the community.
- 3 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 contractors with demonstrated experience and ability to undertake the works with a view to entering into a contract for the works.
- 4 Council delegate to the General Manager authority to enter into a contract with the contractor selected following the formal quotation process outlined above.
- 5 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.
- 6 A report describing the outcome of the procurement process be submitted to the next available meeting following the successful engagement of the contractor.

ITEM 11 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF MEETING HELD ON 24 JUNE 2020

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 406)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that in accordance with powers delegated to Council, the Minutes and Recommendation related to Regulation of Traffic, of the City of Wollongong Traffic Committee held on 24 June 2020, be adopted.

THE MEETING CONCLUDED AT 7:13PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 10 August 2020.

Chairperson