



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 28 August 2023

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 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

Manager Governance + Customer Service (attended via audio-visual link)

Manager Property + Recreation

Manager City Strategy

Manager Project Delivery

Manager Infrastructure Strategy + Planning (Acting)

Manager Community Cultural + Economic Development (Acting)

Land Use Planning Manager

Greg Doyle

Joanne Page

Linda Davis

Renee Campbell

Kerry Hunt

Brian Jenkins

Todd Hopwood

Lucielle Power

Chris Stewart

Glenn Whittaker

Nathan McBriarty

Sofia Gibson

David Green

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.

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PRESENTATIONS

The Lord Mayor, Councillor Bradbery, presented a plaque presented by the Hon. Penny Sharpe, Minister for the Environment, acknowledging Wollongong City Council as a 'Bronze Partner' in the NSW Sustainability Program.

The Lord Mayor, Councillor Bradbery and Councillor David Brown offered condolences on behalf of Council on the passing of former Lord Mayor and Councillor Alex Darling AM. A moment of silence was observed.

Councillor Tania Brown, passed on her thanks to staff members at the Beaton Park Leisure Centre and members of the Kembla Joggers who assisted a member of the public during a recent medical emergency.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 31 JULY 2023

848 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 July 2023 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM

ITEM NO	TITLE	NAME OF SPEAKER
21	NOTICE OF MOTION – COUNCILLOR CATH BLAKEY – RIGHT TO REPAIR	DAVID BALSOM FOR RECOMMENDATION
NON-AGENDA ITEM	CLIMATE MITIGATION PLAN – PROPOSAL TO BAN ALL NEW GAS CONNECTIONS TO NEW BUILDINGS OR RENOVATIONS	FAY WALKER ILLAWARRA KNITTING NANNAS AGAINST GREED (IKNAG)

849 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

850 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the staff recommendations for Items 1 and 2 then 7 to 10 inclusive and then 12 to 20 inclusive be adopted as a block.

ITEM 1 - PUBLIC EXHIBITION - REVIEW OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009: CHAPTER C17 TELECOMMUNICATIONS AND RADIOCOMMUNICATIONS FACILITIES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

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

- 1 An amended draft Chapter C17 Telecommunications and Radiocommunications Facilities of the Wollongong Development Control Plan 2009 (Attachment 1) be exhibited for a minimum period of 28 days.

- 2 A post exhibition report be prepared for Council to consider.

ITEM 2 - PUBLIC EXHIBITION: WILKIES WALK, MCCAULEYS BEACH PLANNING AGREEMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

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

- 1 The draft Planning Agreement and Explanatory Note between Wollongong City Council and High Dune Pty Ltd and Anglican Community Services for Lot 101 DP 268549, be exhibited for a period of at least 28 days.
- 2 The General Manager be delegated authority to determine, finalise and execute the Planning Agreement, including making minor amendments, after consideration of any issues raised in the public exhibition.

ITEM 3 - POST EXHIBITION - CITY-WIDE DEVELOPMENT CONTRIBUTION PLAN 2023

- 851 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Cox seconded Councillor D Brown that the Wollongong City-Wide Development Contributions Plan (2023) be adopted (Attachment 1).

ITEM 4 - POST EXHIBITION – WEST DAPTO SOCIAL INFRASTRUCTURE NEEDS ASSESSMENT

- 852 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor L Campbell seconded Councillor A Martin that -

- 1 Council adopt the Recommendations for Community and Cultural Facilities and Open Space and Recreation contained in the West Dapto Social Infrastructure Needs Assessment and Gap Analysis Final Report 2023 (Attachment 1 – Part G Findings and Recommendations).
- 2 Council note the Implementation Plan (Attachment 4).

ITEM 5 - DRAFT QUARTERLY REVIEW STATEMENT JUNE 2023

- 853 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the draft Quarterly Review Statement June 2023 be adopted.

ITEM 6 - COUNCILLOR ATTENDANCE AT THE LOCAL GOVERNMENT NSW (LGNSW) ANNUAL CONFERENCE - ROSEHILL 12-14 NOVEMBER 2023

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

- 1 Council nominate the Lord Mayor, Deputy Lord Mayor, Cr David Brown, Cr Ann Martin, Cr Kershaw, Cr Aitken and Cr Blakey as its seven voting delegates to the Local Government NSW Annual Conference, to be held at Rosehill from 12-14 November 2023.
- 2 Council delegate to the General Manager authority to approve attendance of any additional Councillors requesting to attend the Conference, over and above the nominated voting delegates.
- 3 That the Lord Mayor be authorised to submit motions for consideration at the LGNSW conference that are not inconsistent with council's adopted policy or resolutions.

ITEM 7 - DETERMINATION OF NUMBER OF COUNCILLORS FOR 2024 - 2028 TERM OF OFFICE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that in accordance with section 224(2) of the *Local Government Act 1993*, Council determine the number of Councillors for the 2024-2028 term of office to be 13 (one of whom is the Lord Mayor).

ITEM 8 - AUDIT RISK AND IMPROVEMENT COMMITTEE - EXTENSION OF TERM - MS DONNA RYGATE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the term of Ms Donna Rygate as an independent member and Chairperson of the Audit, Risk and Improvement Committee be extended for the period up to 31 October 2027.

ITEM 9 - POLICY REVIEW - CHILD SAFE COUNCIL POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Council endorse the draft Child Safe Policy.

ITEM 10 - POLICY REVIEW - GRAFFITI MANAGEMENT COUNCIL POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Council endorse the Graffiti Management Council Policy.

ITEM 11 - POLICY REVIEW - VERTEBRATE ANIMAL PEST MANAGEMENT POLICY

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

- 1 Council note its existing and continued commitment under the Our Wollongong our Future 2032 Community Strategic Plan and legislative framework related to Vertebrate Animal Pest Management.
- 2 The Vertebrate Pest Animal Management Policy be revoked.

Councillors Kershaw, R Martin, D Brown, T Brown, A Martin, Campbell, Aitken, Walters, Dorahy, Figliomeni, Bradbery

In favour
Against

Councillors Cox, Blakey

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 11, Councillor Cox departed and returned to the meeting, the time being from 7:03 pm to 7:04 pm.

ITEM 12 - OTFORD ROAD CAUSEWAY REPLACEMENT - QUOTATION E1000367 - OUTCOME OF PROCUREMENT PROCESS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Council receive the report on the procurement process followed and note the engagement of Abergeldie Contractors Pty Ltd for Otford Road Causeway Replacement, in the sum of \$1,244,630.38 including GST.

ITEM 13 - BELLAMBI BOAT RAMP AMENITIES - TENDER T1000075 - OUTCOME OF PROCUREMENT PROCESS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Council receives the report on the negotiation process followed and note the engagement of:

- a Rebus Pty Ltd for the provision of Stage 1 Build, Deliver and Place of Prefabricated Toilet Building, in the sum of \$326,716.50 (including GST).
- b Batmac Construction Pty Ltd for the provision of Stage 2 Concrete and Services Construction Works Package, in the sum of \$392,661.72 (including GST).

ITEM 14 - TENDER T1000083 - MATTRESS RECYCLING TO COUNCIL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of Mattrec Holdings Pty Ltd for Mattress Recycling services.
- 2 The contract be awarded for an initial term of two years, with three optional extensions of one year each for a maximum term of five 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 contract 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 15 - TENDER T1000100 - WOLLONGONG WASTE AND RESOURCE RECOVERY PARK (WWARRP) STAGE 2B-2 CELL AND ASSOCIATED WORKS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

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 Wollongong Waste and Resource Recovery Park (WWARRP) Stage 2B-2 Cell and Associated Works and resolve to enter into negotiations with one or all of the 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 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.
- 4 A report describing the outcome of the procurement process be submitted to the next available Council meeting following the successful engagement of contractor or contractors.

ITEM 16 - TENDER T1000111 - LICENCE TO OPERATE CORRIMAL POOL KIOSK AND CASH COLLECTION SERVICES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

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

- 1 In accordance with Section 178(1)(b) of the Local Government (General) Regulation 2021, Council decline to accept the tender received for the –
 - a Licence to operate the Corrimal Pool Kiosk, and
 - b provision of Corrimal Pool Cash Collection Services for cash collection duties,and enter into negotiations firstly with the Tenderer and, in the event of failure of negotiations with the Tenderer, and any other party, with a view to entering into a contract in relation to the licence to operate the Corrimal Pool Kiosk and Cash Collection Services.
- 2 In accordance with clause 178(4) of the Local Government (General) Regulation 2021, the reason for Council hereby resolving to enter negotiations with the tenderer or another party and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with a party who demonstrates a capacity and ability to undertake the service.
- 3 Council delegate to the General Manager the authority to undertake and finalise the negotiations, with a view to entering into an agreement in relation to the subject matter of the tender.
- 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 17 - PRELIMINARY AND PRE-AUDIT FINANCIALS - 30 JUNE 2023

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the financials be received and noted.

ITEM 18 - STATEMENT OF INVESTMENT - JULY 2023

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Council receive the Statement of Investment for July 2023.

ITEM 19 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF MEETING HELD 8 AUGUST 2023

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that in accordance with the delegated authority to Council, the Minutes and Recommendations of the Wollongong Traffic Committee held on 8 August 2023 in relation to Regulation of Traffic as outlined within this report, be adopted.

ITEM 20 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF MEETING HELD 11 AUGUST 2023

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 850)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that in accordance with the delegated authority to Council, the Minutes and Recommendations of the City of Wollongong Traffic Committee eMeeting held on 11 August 2023 in relation to Regulation of Traffic as outlined in this report, be adopted.

ITEM 21 - NOTICE OF MOTION - COUNCILLOR CATH BLAKEY - RIGHT TO REPAIR

856 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Blakey seconded Councillor Cox that Council -

- 1 Note that a 'Right to Repair' is the ability of consumers to have their products repaired at a competitive price using a repairer of their choice. The 'Right to Repair' helps households increase the usage time of products and minimise waste to landfill.
- 2 Provide a Briefing on potential options for enhancing repair opportunities such as in Council's procurement strategy, through the support of men's sheds, repair cafés, repair skill sharing schemes, up-cycling, tip shop workshops and e-waste collection schemes for repair and/or joining the Circular Australia Network.
- 3 Write to the Federal Ministers for the Environment, Trade and Consumer Affairs to request the release of the government response to the Productivity Commission's report on the Right to Repair.
- 4 Write to the NSW Ministers for the Environment and Fair Trading requesting action in support of the Right to Repair.
- 5 Submit a Notice of Motion to the up-coming LGNSW conference that urges the NSW government to take action to enable the Right to Repair.

ITEM 22 - LATE REPORT: APPROVAL FOR COUNCILLOR TRAVEL - COUNCILLOR CATH BLAKEY - CITIES POWER PARTNERSHIPS CLIMATE SUMMIT FOR LOCAL GOVERNMENT 2023

857 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded Councillor Cox that –

- 1 Council approve the travel and accommodation costs for Councillor Blakey to attend the Cities Power Partnership's Climate Summit for Local Government at RMIT University in Melbourne in September 2023.
- 2 On completion of the conference a report is provided to Council on the opportunities and outcomes that will benefit Council in the future.

Variation The variation moved by Councillor Figliomeni (the addition of Point 2) was accepted by the mover and seconder.

THE MEETING CONCLUDED AT 7:35 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 18 September 2023.

Chairperson