



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 11 December 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 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

Chief Information Officer

Manager Governance + Customer Service (Acting)

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

Manager City Strategy

Manager Project Delivery (attended via audio-visual link)

Manager Infrastructure Strategy + Planning (Acting)

Manager Open Space + Environmental Services

Manager Community Cultural + Economic Development

Manager People + Culture

Greg Doyle

Joanne Page

Linda Davis

Renee Campbell

Kerry Hunt

Brian Jenkins

Ingrid McAlpin

Teisha Peterson

Lucielle Power

Chris Stewart

Glenn Whittaker

Nathan McBriarty

Paul Tracey

Sue Savage

Renee Whiteside

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.

896

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the apology tendered on behalf of Cr Cox be accepted.

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CLOSED SESSION

- ITEM C1 CONFIDENTIAL: Proposed Compulsory Acquisition - Proposed Lot 201 in Proposed DP 1298777 - Part Lot 1 in DP 1118463 - 414 West Dapto Road, Stream Hill for Road Widening Purposes

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) (d(i)) 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; AND commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

ITEM C2 CONFIDENTIAL: Proposed Compulsory Acquisition - Proposed Lot 301, Proposed Lot 302, Proposed Lot 304 and Proposed Lot 305 in Proposed DP 1298776 - Part Lot 100 DP 1269057, Part 480 West Dapto Road, Stream Hill for Road and Road Widening Purposes

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) (d(i)) 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; AND commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

CONFLICTS OF INTERESTS

Councillor Ann Martin declared a non-significant, non-pecuniary interest in Items 2 - Public Exhibition - draft West Dapto Centres Master Planning, 3 - Post Exhibition - Draft Planning Agreement - Wilkies Walk, Bulli and 4 - Post Exhibition - Draft Wollongong Industrial Lands Review, due to her to employment with the Department of Planning and Environment. As she does not work on any planning matters relating to the Wollongong LGA, Councillor Martin advised she would remain in the meeting during debate and voting on the items.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 27 NOVEMBER 2023

- 897 **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, 27 November 2023 (a copy having been circulated to Councillors) be taken as read and confirmed.

CALL OF THE AGENDA

- 898 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that the staff recommendations for Items 3 and 5 then 7 to 12 inclusive be adopted as a block.

ITEM 1 - PUBLIC EXHIBITION - DRAFT WOLLONGONG CITY FORESHORE PLAN OF MANAGEMENT

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

- 1 The draft Wollongong City Foreshore Plan of Management (Attachment 3) be referred to the NSW Department of Planning and Environment – Crown Lands –
 - a As the landowner, as required by section 39 of the Local Government Act 1993;
 - b For Ministerial consent to exhibit the draft Plan of Management as required by clause 70B of the Crown Land Management Regulation 2018; and
- 2 Following the receipt of approval by the DPE – Crown Lands as landowner and the Minister's consent, the draft Wollongong City Foreshore Plan of Management be exhibited for a minimum period of 42 days.
- 3 A further report be submitted to Council on the community feedback received following the exhibition period.
- 4 Council officers discuss with DPE - Crown Lands the option, process and any implications of Council becoming the Crown Land Manager for the devolved reserve within Lang Park, to reduce the management complexity.

ITEM 2 - PUBLIC EXHIBITION - DRAFT WEST DAPTO CENTRES MASTER PLANNING

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

- 1 The draft West Dapto Town Centres Urban Design Report (Attachment 1) be endorsed for public exhibition for a minimum period of 28 days.
- 2 Following public exhibition, a further report be provided to Council outlining the nature of any submissions and recommendations for finalisation of the Centres Master Plan for Marshall Mount Town Centre and Fowlers Village.

ITEM 3 - POST EXHIBITION - DRAFT PLANNING AGREEMENT - WILKIES WALK, BULLI

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 898)

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that the General Manager be the delegated authority to finalise and execute the Planning Agreement (Attachment 3) between Wollongong City Council and the proponents High Dune Pty Ltd and Anglican Community Services for the relocation of part of Wilkies Walk at Bulli.

ITEM 4 - POST EXHIBITION - DRAFT WOLLONGONG INDUSTRIAL LANDS REVIEW

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

- 1 The Wollongong Industrial Lands Review (as amended) be adopted (Attachment 3).
- 2 The Wollongong Industrial Lands Review be sent to the Secretary of the NSW Department of Planning and Environment for endorsement.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 4, Councillor Kershaw departed the chambers. Councillor Kershaw returned to the meeting during the debate and prior to voting on Item 13, the time being from 6.31 pm to 6.34 pm.

ITEM 5 - POLICY REVIEW - REVISED DRAFT DIVERSITY, INCLUSION AND BELONGING POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 898)

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

- 1 Endorse the revised draft Diversity, Inclusion and Belonging Policy.
- 2 Revoke the Workforce Diversity Policy, which has been superseded by the Diversity, Inclusion and Belonging Policy and the Equal Employment Opportunity Management Policy and Plan.

ITEM 6 - POST EXHIBITION - DEBT RECOVERY AND HARDSHIP ASSISTANCE COUNCIL POLICY

902 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Aitken that Council adopt the revised Debt Recovery and Hardship Assistance Council Policy.

ITEM 7 - TENDER T1000103 - ENVIRONMENTAL MONITORING SERVICES - LICENCED WASTE FACILITIES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 898)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of Australian Laboratory Services Pty Ltd for Environmental Monitoring Services.
- 2 The contract be awarded for a term of five years.

- 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 8 - TENDER T1000118 - SECURITY SERVICES FOR ALL OF COUNCIL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 898)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of Oz Tech Security Pty Ltd for Security Services to all of Council.
- 2 The contract be awarded for an initial term of 3 years, with 2 optional extensions of 1 year each 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 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 9 - OCTOBER 2023 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 898)

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

- 1 The financials be received and noted.
- 2 Council approve the proposed changes to the Capital Budget for October 2023.

ITEM 10 - STATEMENT OF INVESTMENT - OCTOBER 2023

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 898)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that Council receive the Statement of Investment for October 2023.

ITEM 11 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF MEETING HELD ON 14 NOVEMBER 2023

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 898)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that in accordance with the delegated authority to council, the Minutes and Recommendations of the Wollongong Traffic committee held on 14 November 2023 in relation to Regulation of Traffic as outlined within this report, be adopted.

ITEM 12 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF E-MEETING HELD ON 27 NOVEMBER 2023

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 898)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that in accordance with the delegated authority to Council, the Minutes and Recommendations of the Wollongong Traffic Committee held on 27 November 2023, in relation to Regulation of Traffic as outlined within this report, be adopted.

ITEM 13 - NOTICE OF MOTION - COUNCILLOR CATH BLAKEY - WOLLONGONG CITY FOR PEACE

903 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Blakey seconded Councillor Bradbery that Council -

- 1 Reiterates our cities commitment to the human rights of all people to live with freedom, safety and self-determination noting Articles 3, 5 and 9 of the Universal Declaration of Human rights: Article 3 – Everyone has the right to life, liberty and security of person, Article 5 – No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, Article 9 – No one shall be subjected to arbitrary arrest, detention or exile.
- 2 Acknowledges the anguish and pain that the war in Palestine and Israel is causing to many people in the Wollongong community.
- 3 Call on the Australian government to work within the framework of the United Nations resolutions and Sustainable Development Goal 16 for a just and secure peace for Palestinians and Israelis.

Variation The variation moved by Councillor Bradbery (the addition of “Noting Articles 3, 5 and 9 of the Universal Declaration of Human rights: Article 3 – Everyone has the right to life, liberty and security of person, Article 5 – No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, Article 9 – No one shall be subjected to arbitrary arrest, detention or exile’ to Point 1) was accepted by the mover.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 13, Councillor Walters departed and returned to the meeting, the time being from 6.43 pm to 6.44 pm.

ITEM 14 - NOTICE OF MOTION - COUNCILLOR CAMERON WALTERS - BALD HILL VANDALISM

904 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Walters seconded Councillor Aitken that Council -

- 1 Acknowledges -
 - a the significant and regular damage caused by vandalism at Bald Hill.
 - b the impact that vandalism has on business and tourism operations.
 - c the high monetary cost of constantly fixing damaged infrastructure due to vandalism.
- 2 Provides an Information Note as soon as possible on –
 - a the number of incidents of vandalism and the destruction of property at Bald Hill.
 - b the overall cost of fixing damaged property as a result of issues outlined in point 2a.
 - c cooperation with law enforcement to reduce vandalism at Bald Hill.

- d any other engineering and other possible solutions that could reduce these issues of property destruction.
- 3 Investigates installing temporary CCTV in the short term over the busy summer holiday period at Bald Hill.
- 4 A briefing note be prepared for Councillors investigating the provision of CCTV and other engineering solutions at Bald Hill, including a feasibility assessment, costing and budget implications of ongoing maintenance.

Variation The variation moved by Councillor R Martin (the rewording of point 4) was accepted by the mover and seconder.

ITEM 15 - NOTICE OF MOTION - COUNCILLOR CAMERON WALTERS - CHRISTMAS / FESTIVE SEASON FELICITATIONS

905 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Walters seconded Councillor Dorahy that Council -

- 1 Express heartfelt wishes to Wollongong's residents, businesses, and visitors for a joyful, peaceful, and safe holiday period. Council recognises the festive season as a pivotal time for community celebration and well-being.
- 2 Acknowledge the dedicated efforts and achievements of Council staff across our city throughout 2023. Council recognises their commitment to serving the community and contributing to the betterment of our great city.
- 3 Acknowledge the dedicated frontline staff in our community who are required to work over the festive season.

A PROCEDURAL MOTION was MOVED by Councillor Kershaw seconded Councillor T Brown that Councillor Walters be granted an additional 1 minute to address the meeting in relation to Item 15.

CLOSED COUNCIL SESSION

The Lord Mayor called for a motion to close the meeting to consider Confidential Items, which deal with reports to Council regarding proposed compulsory acquisitions of land on West Dapto Road, Stream Hill for road widening purposes.

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 the proposed compulsory acquisitions of land on West Dapto Road, Stream Hill for road widening purposes and that they are classified as Confidential for the following reasons –

Section 10A (2)(c) (d(i)) 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; AND commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

906 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Kershaw seconded Councillor Walters that –

- 1 The meeting move into Closed Session to consider reports to Council regarding proposed compulsory acquisitions of land on West Dapto Road, Stream Hill for road widening purposes, in accordance with Section 10A (2)(c) (d(i)) of the Local Government Act 1993, which permits the meeting to be closed to the public 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; AND commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

- 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 7.27 pm.

ITEM C1 – PROPOSED COMPULSORY ACQUISITION - PROPOSED LOT 201 IN PROPOSED DP 1298777 - PART LOT 1 IN DP 1118463 - 414 WEST DAPTO ROAD, STREAM HILL FOR ROAD WIDENING PURPOSES

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

- 1 Council continues to negotiate with the owner of Lot 1 in DP 1118463 for the purposes of acquiring Proposed Lot 201 comprising an area of 5,659m² in Proposed DP 1298777, being Part Lot 1 DP 1118463 for road widening purposes in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, with authority being delegated to the General Manager to complete those negotiations if successful, including determining the compensation payable in accordance with this report.
- 2 In the event an agreement to acquire Proposed Lot 201 cannot be reached within a reasonable timeframe (being at least a minimum period of six months from opening negotiation correspondence) then Council is authorised if deemed necessary to proceed via Compulsory Acquisition to acquire Proposed Lot 201 by authority contained within Section 177 of the Roads Act 1993 via compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of road widening.
- 3 The necessary applications relating to the compulsory acquisition, for Proposed Lot 201, if required, including compensation determination be made to the Minister for Local Government and the Governor.
- 4 Upon acquisition being finalised, Council dedicate Proposed Lot 201 as public road, pursuant to section 10 of the Roads Act 1993.
- 5 Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition of Proposed Lot 201, in accordance with its obligations under the Land Acquisition (Just Terms Compensation) Act 1991.
- 6 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

ITEM C2 - PROPOSED COMPULSORY ACQUISITION - PROPOSED LOT 301, PROPOSED LOT 302, PROPOSED LOT 304 AND PROPOSED LOT 305 IN PROPOSED DP 1298776 - PART LOT 100 DP 1269057, PART 480 WEST DAPTO ROAD, STREAM HILL FOR ROAD AND ROAD WIDENING PURPOSES

908 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Walters seconded Councillor R Martin that –

- 1 Council continues to negotiate with the owner of Lot 100 in DP 1269057 for the purposes of acquiring Proposed Lot 301 comprising an area of 3,845m², Proposed Lot 302 comprising an area of 10,840m², Proposed Lot 304 comprising an area of 1,507m² and Proposed Lot 305 comprising an area of 1,280m² in Proposed DP 1298776, being Part

Lot 100 DP 1269057 for road widening purposes and operational purposes in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, with authority being delegated to the General Manager to complete those negotiations, including determining the compensation payable in accordance with this report.

- 2 In the event an agreement to acquire Lots 301 and 302 in Proposed DP 1298776 cannot be reached within a reasonable timeframe (being at least a minimum period of six months from opening negotiation correspondence) then Council is authorised if deemed necessary to proceed via Compulsory Acquisition to acquire Proposed Lots 301 and 302 by authority contained within Section 177 of the Roads Act 1993 via compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of road widening and public road.
- 3 In the event an agreement to acquire Proposed Lots 304 and 305 cannot be reached within a reasonable timeframe (being at least a minimum period of six months from opening negotiation correspondence) Council is authorised if deemed necessary to proceed via Compulsory Acquisition to acquire Proposed Lots 304 and 305 by authority contained within Section 186 of the Local Government Act 1993 via compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991 for operational purposes.
- 4 The necessary applications relating to the compulsory acquisition, for Proposed Lots 301, 302, 304 and 305, if required, including compensation determination be made to the Minister for Local Government and the Governor.
- 5 Upon acquisition being finalised, Council dedicate Proposed Lots 301 and 302 as public road, pursuant to section 10 of the Roads Act 1993, and Proposed Lots 304 and 305 be classified as Operational Land pursuant to the Local Government Act 1993.
- 6 Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition of Proposed Lots 301, 302, 304 and 305, in accordance with its obligations under the Land Acquisition (Just Terms Compensation) Act 1991.
- 7 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution

909 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Blakey seconded Councillor Figliomeni that the meeting move out of Closed Session and into Open Council.

Council resumed into Open Session at 7.29 pm

DEPARTURE OF COUNCILLOR

After voting on Item C2 and once Open Session resumed, Councillor Blakey departed and returned to the meeting, the time being from 7.30 pm to 7.33 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 907 and 908).

THE MEETING CONCLUDED AT 7.38 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 5 February 2024.

Chairperson