



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6:00 PM

Monday 26 February 2024

### Present

Lord Mayor – Councillor Gordon Bradbery AM (in the Chair)  
Deputy Lord Mayor – Councillor Tania Brown  
Councillor Ann Martin  
Councillor Cath Blakey  
Councillor David Brown  
Councillor Dom Figliomeni (attended via audio-visual link)  
Councillor Elisha Aitken

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  
Chief Digital + Information Officer  
Manager Development Assessment and Certification (attended via audio-visual link)  
Manager Commercial Operations + Property  
Manager City Strategy  
Manager Regulation + Enforcement  
Manager Infrastructure Strategy + Planning (Acting)  
Manager Open Space + Environmental Services (attended via audio-visual link)  
Manager Community Cultural + Economic Development  
Manager People + Culture

Greg Doyle  
Joanne Page  
Linda Davis  
Renee Campbell  
Kerry Hunt  
Brian Jenkins  
Ingrid McAlpin  
Mark Adamson  
Lani Richardson  
Chris Stewart  
Corey Stoneham  
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.

Note: Council resolved on 5 February 2024 to grant Councillor Kershaw a leave of absence from 5 February 2024 to 19 March 2024.

Note: Council resolved on 5 February 2024 to grant Councillor Walters a leave of absence for 26 February 2024.

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## CLOSED SESSION

ITEM C1	CONFIDENTIAL: Proposed Acquisition Part Lot 1 in DP 111846 - 414 West Dapto Road Stream Hill
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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)(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.*

## **CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 5 FEBRUARY 2024**

- 922 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Aitken that the Minutes of the Ordinary Meeting of Council held on Monday, 5 February 2024 (a copy having been circulated to Councillors) be taken as read and confirmed.

### **PRESENTATION – KOREAN HEALTHY CITIES ORGANISATION**

Councillor Tania Brown presented an artwork scroll gifted to the City by the Korean Healthy Cities Organisation during their visit to the region.

### **CALL OF THE AGENDA**

- 923 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the staff recommendations for Items 2 and then 4 to 8 inclusive be adopted as a block.

### **ITEM A - LORD MAYORAL MINUTE - LAKE ILLAWARRA ENTRANCE OPTIONS STUDY**

- 924 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that -

- 1 Wollongong City Council receive an interim update from staff on the Lake Illawarra Entrance Options Study.
- 2 Information on the status of the Lake Illawarra Entrance Options Study be updated and made publicly available through Council's webpage.
- 3 Council staff continue to monitor erosion and address community concerns about the impact of erosion on Lake Illawarra foreshore and Council assets.

### **ITEM 1 - DRAFT QUARTERLY REVIEW STATEMENT DECEMBER 2023**

- 925 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Dorahy that the draft Quarterly Review Statement December 2023 be adopted.

### **ITEM 2 - POLICY REVIEW - FIRE SAFETY COUNCIL POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 923)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Aitken that the amended Fire Safety Council Policy be adopted by Council.

### **ITEM 3 - POLICY REVIEW - DOGS ON BEACHES AND PARKS POLICY**

- 926 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Aitken seconded Councillor R Martin that the amended Dogs on Beaches and Parks Policy be adopted by Council and removing the typographical error on page 128 of the Council Business Paper “approx. 50 meters south of Bulli Surf Life Saving Club”.

#### **ITEM 4 - IMPLEMENTATION OF THE OFFICE OF LOCAL GOVERNMENT RISK MANAGEMENT AND INTERNAL AUDIT FOR LOCAL GOVERNMENT GUIDELINES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 923)

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

- 1 The Internal Audit Charter be adopted by Council.
- 2 The Audit Risk and Improvement Committee Terms of Reference be adopted by Council.
- 3 The current terms of appointment for Councillor Tania Brown and Councillor Dom Figliomeni as members of the Audit Risk and Improvement Committee conclude on 30 June 2024.
- 4 Council appoint a Councillor as a non-voting Councillor observer to the Audit Risk and Improvement Committee for the period from 1 July 2024 to 13 September 2024.

#### **ITEM 5 - PROPOSED COMPULSORY ACQUISITION - PROPOSED LOTS 301 AND 302 IN PLAN OF ACQUISITION DP 1265107 PART LOT 1 DP 1264683 - WONGAWILLI ROAD, WEST DAPTO ROAD AND SHONE AVENUE, WONGAWILLI FOR ROAD WIDENING PURPOSES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 923)

**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 1264683 for the purposes of acquiring Proposed Lot 301 comprising an area of 103m<sup>2</sup> and Proposed Lot 302 comprising an area of 505.7m<sup>2</sup> in DP 1265107 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.
- 2 In the event an agreement to acquire Proposed Lots 301 and 302 cannot be reached within a reasonable timeframe, (being at least a minimum period of six months from opening negotiation correspondence) then Council authorise the Compulsory Acquisition of Proposed Lots 301 and 302 in DP 1265107 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 Lots 301 and 302 including compensation determination be made to the Minister for Local Government and the Governor.
- 4 Upon acquisition being finalised, Council dedicate Proposed Lots 301 and 302 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 Lots 301 and 302, 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 6 - TENDER T1000130 - COASTAL HAZARDS STUDIES FOR WOLLONGONG COAST**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 923)

**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 Coastal Hazards Studies for Wollongong Coast and resolve to enter into negotiations with one or all 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 satisfactory 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.

## **ITEM 7 - LOCAL TRAFFIC COMMITTEE LEGISLATION CHANGES - ROAD CLOSURES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 923)

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

- 1 Council notes the temporary changes by TfNSW to the delegation of powers under the Roads Act 1993.
- 2 Council sub-delegates the authority to regulate traffic for temporary road closures to the General Manager in accordance with *Traffic Management and Pedestrian Works Temporary Delegation to Councils No.2, 2023*.

## **ITEM 8 - NOTICE OF MOTION - COUNCILLOR DOM FIGLIOMENI - NSW ROAD RULES LEGISLATION 2014**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 923)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Council write to the Minister for Transport to request a review of Section 200 of NSW Road Rules 2014 Legislation to allow caravans longer than 7.5 metres to stop on a road in a built-up area for up to 24 hours.

## **DEPARTURE OF COUNCILLOR**

Councillor Blakey departed the meeting at 6:31 pm prior to the debate and voting on Item C1, and didn't return to the chambers.

## 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 proposed acquisition of land on West Dapto Road, Stream Hill for open space purposes.

Prior to putting the Motion to the vote, the Lord Mayor advised the meeting that Item C1 relates to a report to Council regarding the proposed compulsory acquisition of land on West Dapto Road, Stream Hill for road widening purposes and that it is classified as Confidential for the following reasons –

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.

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

- 1 The meeting move into Closed Session to consider a report to Council regarding the proposed compulsory acquisition 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 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.
- 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 6:32 pm.

## ITEM C1 - PROPOSED ACQUISITION PART LOT 1 IN DP 111846 - 414 WEST DAPTO ROAD STREAM HILL

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

- 1 Council acquires by authority contained within Section 186 of the *Local Government Act 1993*, part Lot 1 in DP 1118463, 414 West Dapto Road, Stream Hill (Proposed Lot 203) for the purposes of Open Space.
- 2 Council authorises the proposed Strategic Land Acquisition of Part Lot 1 in DP 1118463 being the E1 Zoned (Local Centre) portion of the Property.
- 3 The General Manager be delegated authority to finalise the negotiations in respect to the acquisitions including the compensation amount payable and be authorised to sign any documentation to give effect to this transaction.
- 4 In the event that agreement cannot be reached to acquire Proposed Lot 203 within a reasonable timeframe (being at least a minimum period of six months from opening negotiation correspondence) then Council be authorised if deemed necessary to make application to the Minister for Local Government and the Governor to acquire Proposed Lot 203 by compulsory acquisition pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991* by authority contained within Section 186 of the *Local Government Act 1993*.

- 5 Council be responsible for all costs including valuation, transfer and legal costs associated with the transaction, in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 6 Upon acquisition being finalised, the land known as part Lot 1 in DP 1118463, Proposed Lot 203 and the E1 Zoned (Local Centre) portion of the property be classified as Operational Land pursuant to the *Local Government Act 1993*.
- 7 Council allocates funds for the purchase of the E1 Zoned (Local Centre) portion (excluding the road widening component) of the Property from the Property Investment Restricted Account. The funding for the proposed purchase of essential infrastructure land is West Dapto Developer Contributions. Current estimates included in the West Dapto Contributions Plan will require adjustment in the next review to reflect actual costs.
- 8 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.

**929 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Campbell seconded Councillor T Brown that the meeting move out of Closed Session and into Open Council.

Council resumed into Open Session at 6.39 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 Number 928).

## THE MEETING CONCLUDED AT 6.43 PM

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Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 18 March 2024.

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Chairperson