



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 27 May 2019

### Present

Lord Mayor – Councillor G Bradbery AM (in the Chair), Councillors D Brown, A Martin, C Walters, C Blakey (from 6:05 pm), D Figliomeni, J Kershaw, J Rimmer, L Colacino, M Cox, T Brown and V King

### In Attendance

General Manager (Acting) – G Doyle, Director Infrastructure and Works (Acting), Connectivity Assets and Liveable City – A Carfield, Director Planning and Environment (Acting), Future City and Neighbourhoods – M Riordan, Director Community Services, Creative and Innovative City – K Hunt, Manager Governance and Customer Service – T Hopwood, Chief Financial Officer – B Jenkins, Manager Property and Recreation (Acting) – L Power, Manager City Strategy – C Stewart, Manager City Works – M Roebuck, Manager Project Delivery (Acting) – R Ryan, Manager Infrastructure Strategy and Planning – M Dowd and Manager Open Space and Environmental Services – J Page, Manager Community Cultural and Economic Development – S Savage

### Apologies

Min No.

**231 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that the apology tendered on behalf of Councillor Dorahy be accepted.

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## DISCLOSURE OF INTERESTS

Councillor T Brown declared a non-pecuniary, non-significant, perceived Conflict of Interest in Item 9, due to her employer, the University of Wollongong and the SMART Infrastructure Facility being named in the document. Councillor T Brown further stated that as the recommendation is to send the draft policy for exhibition and does not relate to a specific decision, she would remain in the Chamber for debate and voting.

Councillor Martin declared a non-pecuniary, non-significant perceived Conflict of Interest in Items 1 and 2 as she is employed by the NSW Department of Planning and Environment. Councillor Martin remained in the Chamber for debate and voting on Items 1 and 2.

## PETITIONS AND PRESENTATIONS

Councillor Rimmer tabled a petition from 60 residents from John Street Towradgi in relation to dangerous driving.

The petition was received and noted on a MOTION by Councillor Rimmer seconded Councillor Walters.

## CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 6 MAY 2019

- 232 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that the Minutes of the Ordinary Meeting of Council held on Monday, 6 May 2019 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM		
ITEM	TITLE	NAME OF SPEAKER
2	West Dapto Development Contributions Plan (2017) – Minor Amendment	Keiran Thomas on behalf of Urban Development Institute of Australia (NSW) <b>AGAINST</b> the Officer's Recommendation
A	Notice of Motion – Councillor Rimmer – Sportsgrounds and Sporting Facilities Strategy 2017-2027	Alicia-Kate Hawke <b>IN FAVOUR</b> of the Officer's Recommendation

- 233 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that all speakers be thanked for their presentation and invited to table their notes.

## CALL OF THE AGENDA

- 234 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that the staff recommendations for Items 3 to 8, 10 to 14 and 16 to 18 be adopted as a block.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor T Brown that the lettered Agenda Items be considered after the numbered Agenda Items.

**ITEM C - RECEIVE REPORT FROM THE RECRUITMENT AND SELECTION COMMITTEE REGARDING THE POSITION OF GENERAL MANAGER**

This Item was considered in Closed Session after the numbered and lettered Agenda Items.

**ITEM A - NOTICE OF MOTION - COUNCILLOR RIMMER - SPORTSGROUNDS AND SPORTING FACILITIES STRATEGY 2017-2027**

This Item was considered after the numbered Agenda Items.

**ITEM B - NOTICE OF MOTION - COUNCILLOR BLAKEY - VERGE GARDENS**

This Item was considered after the numbered Agenda Items.

**ITEM 1 - BIODIVERSITY CERTIFICATION APPLICATION FOR PART OF THE AVONDALE RESORT SITE AT AVONDALE**

**235 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Martin seconded Councillor King that -

- 1 The Biodiversity Certification for the Avondale Resort North and South precincts within the Avondale Resort Site, be progressed, with Council as the planning authority lodging the Biodiversity Certification Application to the Office of Environment and Heritage.
- 2 If endorsed by the Office of Environment and Heritage, the Biodiversity Certification application be exhibited for a minimum period of 30 days, and then the submissions and exhibition findings be reported to the Minister for the Environment.

*In favour* Councillors Kershaw, Rimmer, D Brown, T Brown, Martin, King, Colacino, Walters, Figliomeni and Bradbery

*Against* Councillors Cox and Blakey

**ITEM 2 - WEST DAPTO DEVELOPMENT CONTRIBUTIONS PLAN (2017) - MINOR AMENDMENT**

**236 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Bradbery seconded Councillor D Brown that -

- 1 The West Dapto Section 94 Development Contributions Plan (2017) be amended by:
  - a Update the wording to make it explicit that the Plan applies to Development Applications and Complying Development Certificates (CDCs) in the same manner;
  - b Update legislative references, to reflect the amended Environmental Planning and Assessment Act 1979;
  - c Rename the Plan to the West Dapto Development Contributions Plan (2017).
- 2 The amended draft West Dapto Development Contributions Plan (2017) be exhibited for a minimum period of 28 days.

- 3 A letter be sent to the Minister for Planning and Public Spaces requesting –
  - a A further 12 month deferral of the Low Rise Medium Density Code to enable Council to amend the West Dapto Development Contributions Plan (2017) and consider and exhibit the Wollongong Housing Study Options.
  - b Noting that a blanket introduction of the Low Rise Medium Density Code across the Wollongong Local Government Area without any consideration of local services, public transport and other amenities needed to support urban density will result in adverse planning outcomes
  - c Noting that the Low Rise Medium Density Code does not appropriately address areas issues potentially arising from sloping sites, land constraints, and precincts with special local character.

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

**Against** Councillors King and Figliomeni

### **DEPARTURE OF COUNCILLOR**

During debate and prior to voting on Item 2, Councillor Kershaw departed and returned to the meeting, the time being from 6.30 pm to 6.32 pm.

### **ITEM 3 - PROPOSED ACQUISITION OF 35 URALBA STREET, FIGTREE, UNDER THE VOLUNTARY PURCHASE SCHEME FOR FLOOD AFFECTED PROPERTIES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 234).

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

- 1 Council authorise the acquisition of 35 Uralba Street, Figtree, as shown in attachment 1 to the report subject to the following conditions:
  - Funding being provided by the Office of Environment and Heritage (OEH) for the acquisition and demolition of the property;
  - Purchase price of \$710,000, excluding GST, for which OEH is responsible for two thirds of the cost being \$437,570 with Council responsible for payment of the remainder being \$236,430;
  - Each party be responsible for its own costs associated with the matter, including legal costs;
- 2 Upon the acquisition being completed, the land be classified as community land in accordance with the Local Government Act 1993;
- 3 The General Manager and Lord Mayor be authorised to sign any documentation necessary to finalise the acquisition and affix the Common Seal where necessary;
- 4 The General Manager be authorised to finalise the acquisition.

#### **ITEM 4 - CROWN LAND - PLANS OF MANAGEMENT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 234).

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

- 1 The advice from the NSW Department of Industry – Crown Land concerning the classification and initial categorisation of Council Managed Crown Reserves be noted.
- 2 Crown Land Management Act 2016 compliant Plans of Management be developed in three stages, as outlined in this report.
- 3 Further reports will be provided to Council following preliminary community consultation seeking a resolution to forward draft Plans of Management for Ministerial consent to allow public exhibition of those Plans.
- 4 A letter be sent to the Minister for Water, Property and Housing and the Minister for Planning and Public Spaces (jointly responsible for the Crown Lands Management Act 2016) outlining Council's concern over the inadequate funding provided by the State for Council to prepare Plans of Management for Crown Land.

#### **ITEM 5 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL - ANNUAL FEES PAYABLE TO LORD MAYOR AND COUNCILLORS 1 JULY 2019 TO 30 JUNE 2020**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 234).

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

The annual fees payable for the period 1 July 2019 to 30 June 2020 be:

- 1 \$32,040 for each Councillor including the Lord Mayor.
- 2 \$99,800 additional fee for the Lord Mayor.

#### **ITEM 6 - QUARTERLY VARIATIONS REPORT FOR DEVELOPMENT APPLICATIONS MARCH 2019**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 234).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that Council note the report.

#### **ITEM 7 - DRAFT QUARTERLY REVIEW STATEMENT MARCH 2019**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 234).

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

- 1 The draft Quarterly Review Statement March 2019 be adopted.
- 2 The Budget Review Statement as at March 2019 be adopted and revised totals of income and expenditure be approved and voted.
- 3 Council approve the transfer to Property Investment Fund internally restricted cash of \$150,000 representing proceeds from licence agreement for land use at West Dapto.

## ITEM 8 - CONNECTING NEIGHBOURS GRANTS (PILOT) ROUND 2

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 234).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that Council note the successful recipients for Connecting Neighbours Grants – Round 2.

## ITEM 9 - DRAFT ECONOMIC DEVELOPMENT STRATEGY 2019-2029

**237 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that Council approve the Draft Economic Development Strategy 2019-2029 to be placed on public exhibition from 29 May 2019 to 26 June 2019 (28 days) subject to –

- 1 Page 7 – the inclusion of 'Arts and Creative Industries'
- 2 Page 41 – the inclusion of a new paragraph titled 'Arts and Creative Industries' with the words 'We have a very passionate and active creative community. Many creatives shared their concerns about having to move out of the area to chase opportunities'.

*Variation* The variations moved by Councillor Cox (the addition of Points 1 and 2) were accepted by the mover and seconder.

## DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 9 –

- Councillor Colacino departed and returned to the meeting, the time being from 7.10 pm to 7.12 pm.
- Councillor Cox departed and returned to the meeting, the time being from 7.31 pm to 7.32 pm.

## ITEM 10 - ATTENDANCE AT THE 2019 ASIA PACIFIC CITIES SUMMIT & MAYORS' FORUM IN BRISBANE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 234).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that Council approve the attendance of the Lord Mayor at the 2019 Asia Pacific Cities Summit and Mayors' Forum in Brisbane from 7 to 10 July 2019.

## ITEM 11 - POLICY REVIEW: FRAUD AND CORRUPTION PREVENTION POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 234).

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

- 1 The revised Fraud and Corruption Prevention Policy be endorsed for public exhibition for a minimum period of 28 days.
- 2 The revised Fraud and Corruption Prevention Policy be reported to Council for finalisation following the exhibition period.



## **ITEM 12 - POLICY REVIEWS: CODES OF CONDUCT AND PROCEDURES FOR ADMINISTRATION OF CODES OF CONDUCT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 234).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that Council –

- 1 Adopt the draft amended Codes of Conduct for:
  - a Councillors
  - b Staff
  - c Council Committee Members, Delegate of Council and Council Advisers.
- 2 Adopt the Procedures for Administration of the Codes of Conduct as exhibited.
- 3 Revoke the following Council policies, noting that the intent of these policies is now included in the Codes of Conduct:
  - a Gifts and Benefits
  - b Conflict of Interests
  - c Councillor Recordkeeping
  - d Use of Confidential Information
  - e Positive Working Relationships
- 4 Receive and note the submissions summarised in this report and thank those who made such submissions.

## **ITEM 13 - POLICY REVIEW: DRAFT CODE OF MEETING PRACTICE**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 234).

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

- 1 Adopt the revised Code of Meeting Practice.
- 2 Revoke the Public Access Forum Council Policy, noting that the provisions of this Policy have been incorporated in to the Code of Meeting Practice.

## **ITEM 14 - POLICY REVIEW: PENALTY NOTICE REVIEW POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 234).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that the Penalty Notice Review Policy be adopted by Council.

### **ITEM 15 - POLICY REVIEW: FINANCIAL ASSISTANCE POLICY**

**238 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Kershaw that Council -

- 1 Revoke the existing Financial Assistance Policy adopted 30 November 2015 upon adoption of the new policy.
- 2 Endorse the new draft Financial Assistance Council Policy to go on public exhibition for 28 days.

### **ITEM 16 - POLICY REVIEW: CODE OF BUSINESS ETHICS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 234).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that Council adopt the revised Code of Business Ethics.

### **ITEM 17 - TENDER T19/09 - DRY STACKED STONE RETAINING WALL REPLACEMENT - THE GROVE, AUSTINMER**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 234).

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Western Earthmoving Pty Ltd for the construction of a new dry-stacked stone retaining wall adjacent to 25-29 The Grove, Austinmer, in the sum of \$153,155.00, 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 18 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD ON 17 APRIL 2019 AND ELECTRONIC MEETING HELD ON 7 MAY 2019**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 234).

**COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that in accordance with the powers delegated to Council, the Minutes and recommendations of the City Wollongong Traffic Committee Meeting held on 17 April 2019 and the Electronic Meeting held on 7 May 2019 in relation to Regulation of Traffic be adopted.

## ITEM A - NOTICE OF MOTION - COUNCILLOR RIMMER - SPORTSGROUNDS AND SPORTING FACILITIES STRATEGY 2017-2027

**239** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Rimmer seconded Councillor Walters that –

- 1 Council re-affirms the Sportsground and Sporting Facilities Strategy 2017-2027, Goal 2.1, 'provision of quality amenities that cater for male and female participation in sport.'
- 2 Council note the Strategy goal 2.1.2, 'Ensure gender equitable facilities and accessible facilities are incorporated into all planning components for future renewal of facilities' with the associated action of 'Ensure that the design of amenities meets current standards with an emphasis on female participation at regional and district level facilities.'
- 3 Council note the importance of female participation in sport.
- 4 Council note that across the Local Government Area there are thousands of females participating in local sport and utilising local sporting grounds.
- 5 An audit of the city's sporting facilities be conducted with a focus ascertaining the current availability of future need of female amenities and change rooms. That the audit include the number of amenities built or modified since the adoption of the Strategy.
- 6 The audit to include a program of works highlighting the priority sports grounds for upgrades of the female amenities and change rooms to ensure that they are the equal standard of the male facilities.
- 7 The results of the audit to be presented to Councillors at a briefing session before the end of 2019. At this briefing, an update should be given to Councillors on any planned works to be undertaken at sports facilities, works that are required at sports facilities and estimated costs for these works.
- 8 Council staff investigate the possibility of installing temporary toilets and change facilities in the locations of highest demand for female participation.

*Variation* The following variations were accepted by the mover and seconder –

- Point 6, amend "for the female amenities and change rooms" to read "of the female amenities and change rooms to ensure they are the equal standard of the male facilities" by Councillor Colacino.
- Point 7, replace "at the end of 2019" to "before the end of 2019" by Councillor King.
- The addition of Point 8 by Councillor Bradbery.

## ITEM B - NOTICE OF MOTION - COUNCILLOR BLAKEY - VERGE GARDENS

**240** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of by Councillor Blakey seconded Councillor King that –

- 1 Council note that establishing a verge garden can help to beautify local streets, show pride in our neighbourhoods and contribute to a clean, green Wollongong.
- 2 Staff provide a briefing on the development of Verge Garden Guidelines that align with the Urban Greening Strategy and Pedestrian Plan.

*Variation* Councillor Colacino's variation to amend wording to Point 1 "a verge garden helps to" to read "a verge garden can help to" was accepted by the mover and seconder.

## CLOSED COUNCIL SESSION

The Lord Mayor called for a motion to close the meeting for consideration of Item C - Receive Report from the Recruitment and Selection Committee Regarding the Position of General Manager in accordance with Section 10A 2(a) of the Local Government Act 1993 as the report contains personnel matters concerning particular individuals.

**241 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Figliomeni seconded Councillor T Brown that the meeting move into Closed Session to consider Item C – Receive Report from the Recruitment and Selection Committee Regarding the Position of General Manager in accordance with Section 10A 2(a) of the Local Government Act 1993 as the report contains personnel matters concerning particular individuals.

Prior to putting the above Motion to the vote, the Lord Mayor advised members of the press and gallery that Item C relates to Receive Report from the Recruitment and Selection Committee Regarding the Position of General Manager in accordance with Section 10A 2(a) of the Local Government Act 1993 as the report contains personnel matters concerning particular individuals.

No submissions were received from the press or members of the gallery, the MOTION on being PUT to the VOTE was CARRIED UNANIMOUSLY.

At this stage, the time being 8.22 pm, members of the press and gallery departed the Council Chambers.

The meeting moved into Closed Session, the time being 8.23 pm.

### ITEM C - RECEIVE REPORT FROM THE RECRUITMENT AND SELECTION COMMITTEE REGARDING THE POSITION OF GENERAL MANAGER

**242 COUNCIL'S RESOLUTION** – MOVED UNANIMOUSLY by Councillor Bradbery that Council –

- 1 Consider this item in Closed Session under Section 10A 2(a) of the Local Government Act 1993 as the report contains personnel matters concerning particular individuals.
- 2 Receive and note the confidential General Manager Recruitment Report which was presented, with the approval of the Recruitment and Selection Committee, to Councillors on 6 May 2019 in a confidential briefing.
- 3 Note that the Recruitment and Selection Committee unanimously agreed after a merit based process that Greg Doyle be put forward to Council as the preferred candidate.
- 4 Approve the position of General Manager being offered to Greg Doyle on the following basis -
  - a Subject to the acceptance of the position, Greg Doyle be contracted for a period of four (4) years, commencing on 1 June 2019 to allow for alignment with the next term of Council.
  - b Greg Doyle be offered a total remuneration package of \$410,000 per annum which is consistent with comparative remuneration for General Managers of large urban Councils in the NSW.
  - c The Standard Contract for the Employment of General Managers be used to finalise the appointment.
- 5 Approve the Performance Review Committee to develop a performance agreement for the General Manger (within 90 days of the appointment) which will be reviewed annually in line with the Performance Review Committee Charter.

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

Council resumed into Open Session at 8.43 pm and members of the press, gallery and staff were invited back into the Council Chambers.

The Lord Mayor advised the meeting of Council's resolutions whilst in Closed Session (refer to Minute No. 240).

### **THE MEETING CONCLUDED AT 8:45 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 24 June 2019.

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Chairperson