



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 12 September 2022

**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 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

Manager Property + Recreation

Manager City Strategy

Manager Project Delivery (attended electronically)

Manager Community Cultural + Economic Development

Manager Library + Community Services

Recreation Services Manager

Land Use Planning Manager

Greg Doyle

Joanne Page

Linda Davis

Renee Campbell

Kerry Hunt

Brian Jenkins

Todd Hopwood

Lucielle Power

Chris Stewart

Glenn Whittaker

Sue Savage

Jenny Thompson

Mark Bond

David Green

Note: In accordance with the Code of Meeting Practice, participants in the meeting can participate via electronic means. Those who participated via electronic means are indicated in the attendance section of the Minutes.

**Apologies**

Min No.

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

- 1 the apology tendered on behalf of Councillor John Dorahy be accepted.
- 2 a request for a leave of absence for Councillor Mithra Cox from 22 September to 16 October 2022 be accepted.

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## CLOSED SESSION

ITEM C1 CONFIDENTIAL: Confidential - General Manager's Annual Performance Review - Report by Performance Review Committee

### **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)(a) of the Local Government Act, 1993, as the report contains personnel matters concerning particular individuals.*

## CONFLICTS OF INTERESTS

Councillor Dom Figliomeni declared a non-significant, non-pecuniary conflict of interest in Item 1 Public Exhibition - Draft Wollongong DCP 2009 Site-Specific Chapter - Former Port Kembla Public School Site, Military Road, Port Kembla, as he lives in close proximity to this site. Councillor Figliomeni advised he would depart the meeting during debate and voting on the item.

Councillor Linda Campbell declared a pecuniary conflict of interest in Item 1 Public Exhibition - Draft Wollongong DCP 2009 Site-Specific Chapter - Former Port Kembla Public School Site, Military Road, Port Kembla, as she lives in close proximity to this site. Councillor Campbell advised she would depart the meeting during debate and voting on the item.

Councillor Cameron Walters declared a non-significant, non-pecuniary conflict of interest in Item 3 Post Exhibition – Review of Alcohol Free Zones as he resides in one of the zones. Councillor Walters advised he would remain in the meeting during debate and voting on this item.

Councillor Ann Martin declared a non-significant, non-pecuniary conflict of interest in Item 3 Post Exhibition – Review of Alcohol Free Zones and Item 12 Policy Review – Establishment and Maintenance of Alcohol Free Zones on Public Roads and Footpaths Council Policy, as she is a co-owner of a licensed venue in Port Kembla, however patrons are not permitted to drink off-site. Councillor A Martin advised she would remain in the meeting during debate and voting on this item.

Councillor Ann Martin declared a non-significant, non-pecuniary conflict of interest in Item 1 - Public Exhibition - Draft Wollongong DCP 2009 Site-Specific Chapter - Former Port Kembla Public School Site, Military Road, Port Kembla, as she previously sought to establish an arts hub and residential studio on the site. As the site was sold since this time and she has had no other relationship or interest in the site since, Councillor A Martin advised she would remain in the meeting during debate and voting on the item.

Councillor Tania Brown declared a non-significant, non-pecuniary conflict of interest in Item B – Lord Mayoral Minute – Professor Justin Yerbury AM – Keys to the City, as they are both employees of the University of Wollongong. Councillor T Brown advised she would remain in the meeting during debate and voting on the item.

Councillor Tania Brown declared a non-significant, non-pecuniary conflict of interest in Item 4 – Public Exhibition – Draft Sportsgrounds and Sporting Facilities Strategy 2023-2027, as she is a Director of the Illawarra Steelers Club which runs the Illawarra Junior Rugby League competition and in regard to the Illawarra Criterium Track as her mother lives opposite. Councillor T Brown advised she would remain in the meeting during debate and voting on the item.

Councillor Mithra Cox declared a non-significant, non-pecuniary conflict of interest in Item 4 – Public Exhibition – Draft Sportsgrounds and Sporting Facilities Strategy 2023-2027 as her and her family play soccer for Figtree and Fernhill Football Clubs and the Illawarra Flame SAP team. Councillor Cox advised she would remain in the meeting during debate and voting on the item.

## CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 29 AUGUST 2022

**721** **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, 29 August 2022 (a copy having been circulated to Councillors) be taken as read and confirmed.

The Lord Mayor, Councillor Bradbery offered condolences on behalf of Council on the passing of Her Majesty, Queen Elizabeth II and acknowledged the appointment of King Charles III. A moment of silence was observed.

**PUBLIC ACCESS FORUM**

ITEM	TITLE	NAME OF SPEAKER
6	Rock Fishing Safety Act 2016 – Opt-in Legislation	Peter Evert President – Surf Lifesaving Illawarra For Recommendation

**722 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**

**723 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that the staff recommendations for Items 3,5, 7 then 9 to 16 inclusive be adopted as a block.

**ITEM A - LORD MAYORAL MINUTE - FREEDOM OF ENTRY FOR NUMBER 314 (CITY OF WOLLONGONG) SQUADRON AUSTRALIAN AIR FORCE CADETS**

**724 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Wollongong City Council grant Freedom of Entry to Number 314 (City of Wollongong) Squadron Australian Air Force Cadets on Saturday 26 November 2022.

**ITEM B - LORD MAYORAL MINUTE - PROFESSOR JUSTIN YERBURY AM - KEYS TO THE CITY**

**725 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Wollongong City Council bestow the honour of the Keys to the City on Professor Justin Yerbury AM in recognition of his significant achievements in scientific research of Motor Neurone Disease at the University of Wollongong and his inspiration and determination while living with a disability.

**DEPARTURE OF COUNCILLORS**

Due to a disclosed conflict of interest, Councillors Figliomeni and Campbell departed the meeting at 6:30pm and were not present for the debate nor voting on Item 1. Councillors Figliomeni and Campbell returned to the meeting at 6:41 pm at the conclusion of Item 1.

**ITEM 1 - PUBLIC EXHIBITION - DRAFT WOLLONGONG DCP 2009 SITE-SPECIFIC CHAPTER - FORMER PORT KEMBLA PUBLIC SCHOOL SITE, MILITARY ROAD, PORT KEMBLA**

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

- 1 The draft site-specific Wollongong DCP 2009 Chapter Former Port Kembla Public School Site be exhibited for a minimum period of 28 days, in conjunction with the draft Planning Proposal for Lot 1 DP 811699 Military Road, Port Kembla.
- 2 A post exhibition report be prepared outlining the feedback received for Council to consider.

## **ITEM 2 - PUBLIC EXHIBITION - DRAFT RETAIL AND BUSINESS CENTRES STRATEGY**

**727** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that the draft Retail and Business Centres Strategy be exhibited for community and stakeholder input for a minimum of six (6) weeks.

## **ITEM 3 - POST EXHIBITION: REVIEW OF ALCOHOL FREE ZONES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 723)

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

- 1 Council endorse the proposed AFZs in Helensburgh, Thirroul, Corrimal, Wollongong, Berkeley, Warrawong and Dapto as shown in Attachment 1 of the report for a period of four years.
- 2 Council adopt a maximum of 10 events per annum in each of the following City Centre areas to be exempt from alcohol prohibition: Upper Crown Street Mall (including Crown Lane), Lower Crown Street Mall, Globe Lane, the Arts Precinct and Wollongong Foreshore area as shown in Attachment 2.
- 3 Authority is delegated to the General Manager to suspend the AFZ in other areas to a maximum of two events per year.
- 4 The exemptions in both Parts 2 and 3 be subject to the relevant event organiser undertaking a formal event approval process, including obtaining development consent, liaising with NSW Police and obtaining approval for a liquor licence from Liquor and Gaming NSW and that all conditions for the safe delivery of an event be the responsibility of the event organiser.

## **ITEM 4 - PUBLIC EXHIBITION - DRAFT SPORTSGROUNDS AND SPORTING FACILITIES STRATEGY 2023-2027**

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

- 1 Council endorse the Draft Sportsgrounds and Sporting Facilities Strategy 2023-2027 for public exhibition from 14 September to 26 October 2022.
- 2 Following public exhibition, Council receives a further report with the updated Sportsgrounds and Sporting Facilities Strategy 2023-2027, incorporating community engagement findings.

## **ITEM 5 - PUBLIC EXHIBITION - DRAFT STUART AND GALVIN PARK LANDSCAPE MASTERPLAN**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 723)

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

- 1 Council endorse the draft Stuart & Galvin Park Landscape Master Plan for public exhibition from 28 September to 2 November 2022.
- 2 Following exhibition, Council receives a further report with an updated Master Plan incorporating the community engagement findings.

## ITEM 6 - ROCK FISHING SAFETY ACT 2016 - OPT-IN LEGISLATION

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

- 1 Council notes the findings of the Rock Fishing Safety Community Engagement Report outlined in Attachment 1
- 2 Council requests the Minister for Local Government to make a declaration under the *Rock Fishing Safety Act 2016* that the Wollongong Local Government Area (LGA) is an area where high-risk rock fishing takes place
- 3 For the purposes of the above declaration, the high-risk rock fishing locations within the Wollongong LGA are those described and identified on the map attached to this report.
- 4 A Councillor Briefing or Information Note outline the number and type of actions taken in the Wollongong LGA, under the legislation, capturing the data of one year from the date of gazettal.
- 5 Council continue to work with Surf Lifesaving NSW and appropriate agencies to support their delivery of safety training and education for rock fishing.
- 6 Council continue to investigate opportunities for the provision of life jackets for those who are not able to provide their own similar to the Western Australian Scheme.

*Variation* The variation moved by Councillor D Brown (the addition of point 4) was accepted by the mover and seconder.

*Variation* The variation moved by Councillor Bradbery (Point 5 to read "Council continue to work with Surf Lifesaving NSW and appropriate agencies to support their delivery of safety training and education for rock fishing") was accepted by the mover and seconder.

## ITEM 7 - WEST DAPTO REVIEW COMMITTEE CHARTER

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 723)

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

- 1 Council adopt the revised West Dapto Review Committee Charter included as Attachment 1 of this report.
- 2 The Lord Mayor continue to be appointed as the Chairperson of the West Dapto Review Committee.
- 3 The Ward 3 Councillors continue to be appointed as members of the West Dapto Review Committee.

## ITEM 8 - POLICY REVIEW: COMMUNITY FACILITIES

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

- 1 The following draft policies are adopted:
  - a Management of Community Halls, Community Centres, Senior Citizens' Centres and Neighbourhood Centres
  - b Reduction of Waiver of Hire Fees for Community Halls Under the Direct Control of Council

- 2 The 'Allocation of Community Facilities to Community Groups' policy, whose provisions have now been incorporated into the Management of Community Halls, Community Centres, Senior Citizens' Centres and Neighbourhood Centres policy, is revoked and removed from the Wollongong City Council Policy Register
- 3 The addition of wording 'Council will review, consider alternative use options, and, as a last resort, dispose of community facilities that are no longer required for general community use.' to point 5 of the Management of Community Halls, Community Centres, Senior Citizens' Centres and Neighbourhood Centres policy.

*Variation The variation moved by Councillor D Brown (the addition of wording 'of the Management of Community Halls, Community Centres, Senior Citizens' Centres and Neighbourhood Centres policy' for clarification to point 3) was accepted by the mover and seconder.*

#### **ITEM 9 - POLICY REVIEW: COMMERCIAL FITNESS TRAINING ACTIVITIES ON PUBLIC OPEN SPACE COUNCIL POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 723)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that Council adopt the revised Commercial Fitness Training Activities on Public Open Space Policy

#### **ITEM 10 - POLICY REVIEW: COMMERCIAL SURF SCHOOL ACTIVITIES ON FORESHORE PUBLIC OPEN SPACE COUNCIL POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 723)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that Council adopt the revised Commercial Surf School Activities on Foreshore Public Open Space Policy.

#### **ITEM 11 - POLICY REVIEW: SMOKE-FREE (RECREATION AREAS) COUNCIL POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 723)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that Council adopt the revised Smoke-Free (Recreation Areas) Policy

#### **ITEM 12 - POLICY REVIEW: ESTABLISHMENT AND MAINTENANCE OF ALCOHOL FREE ZONES ON PUBLIC ROADS AND FOOTPATHS COUNCIL POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 723)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that Council endorse the draft Establishment and Maintenance of Alcohol Free Zones on Public Roads and Footpaths Council Policy for adoption



### **ITEM 13 - TENDER T1000060 - REFURBISHMENT OF OTFORD COMMUNITY CENTRE**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 723)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni 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 the Refurbishment of the Otford Community Centre 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 14 - TENDER T1000066 - GRAND PACIFIC WALK - CLIFTON SCHOOL PARADE TO 347 LAWRENCE HARGRAVE DRIVE - PARKING, FOOTPATH, BOARDWALK AND OBSERVATION DECK CONSTRUCTION**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 723)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of Cadifern Pty Ltd for the construction of the Grand Pacific Walk and observation deck at Clifton, in the sum of \$1,647,737.80, including 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 15 - JULY 2022 FINANCIALS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 723)

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

- 1 The pre-audit financials be received and noted.
- 2 Council endorse the proposed changes to the Capital Budget for July 2022.

## ITEM 16 - STATEMENT OF INVESTMENT - JULY 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 723)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that Council receive the Statement of Investment for July 2022.

## DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 17 Councillor Bradbery departed and returned to the meeting, the time being from 8:04 pm to 8:06 pm. During that period the Deputy Lord Mayor Councillor Tania Brown assumed the chair.

## ITEM 17 - NOTICE OF MOTION - COUNCILLOR LINDA CAMPBELL - COUNCIL'S COMMUNITY FLAG POLICY

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

- 1 A standard time to be identified for the raising of the flag when a community flag is to be raised, to enable Councillors and community members to attend the flag raising.
- 2 If specific circumstances arise that require a different time be allocated (e.g., a visiting Ambassador or delegation), appropriate community notification is made for the ceremony including the reason for timing.
- 3 This information is provided to Councillors via the Corporate Calendar.
- 4 This be trialled for a period of 1 year to identify any issues that may arise relating to crowds forming or other unforeseen issues arising from the activities.

## 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 –

- The General Manager's Annual Performance Review.

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 General Manager's Annual Performance review and that it is classified as Confidential for the following reason –

- a Section 10A(2) (a) of the Local Government Act 1993, permits the meeting to be closed to the public, as the report contains personnel matters concerning particular individuals.

As no representations were received from members of the public objecting to the closure of this section of the meeting, the Lord Mayor advised that the webcast will be paused while Council considers these items.

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

- 1 The meeting move into Closed Session to consider report to Council regarding -
  - a The General Manager's Annual Performance Review, in accordance with Section 10A(2) (a) of the Local Government Act 1993, on the basis that the report contains personnel matters concerning particular individuals.
- 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 8:10pm.

**ITEM C1 - CONFIDENTIAL - GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW - REPORT BY PERFORMANCE REVIEW COMMITTEE**

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

- 1 a Note the Performance Review Committee report on the General Manager's performance in 2021-2022.
- b Note the General Manager's Performance Agreement 2022-2023.
- 2 a Approve a Total Remuneration Package for the General Manager of \$450,000.00 per annum to reflect Mr Doyle's consistent high performance in the General Manager role and to align more closely with the level of remuneration for General Managers in Very Large Urban Councils in NSW.
- b Approve 2 weeks of time-in-lieu/special leave for the General Manager. The provision be deemed non-recurrent and separate to the Total Remuneration Package.
- c Offer a renewal of the General Manager's Standard Contract of Employment for five (5) years following an expiration of his current contract on 2 June 2023. A report to finalise the renewal of the General Manager's contract will be provided to Council in February 2023.

**734 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Kershaw seconded Councillor Campbell that the meeting move out of Closed Session and into Open Council.

Council resumed into Open Session at 8:21 pm.

**OPEN COUNCIL SESSION**

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**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 733).

**THE MEETING CONCLUDED AT 8:22**

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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 17 October 2022.

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Chairperson