



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 2 September 2019

Present

Lord Mayor - Councillor Gordon Bradbery AM (in the Chair)

Deputy Lord Mayor - Councillor David Brown

Councillor Ann Martin
Councillor Cameron Walters
Councillor Cath Blakey
Councillor Janice Kershaw
Councillor Jenelle Rimmer
Councillor Jenelle Rimmer
Councillor John Dorahy
Councillor Leigh Colacino
Councillor Mithra Cox
Councillor Tania Brown

In Attendance

General Manager

Director Infrastructure + Works, Connectivity Assets + Liveable City

Director Planning + Environment (Acting), Future City and Neighbourhoods

Director Corporate Services, Connected + Engaged City Director Community Services, Creative + Innovative City

Manager Governance + Customer Service

Chief Financial Officer

Manager Property + Recreation (Acting)

Chief Information Officer

Manager City Strategy (Acting)

Manager City Works (Acting)

Manager Project Delivery

Manager Infrastructure Strategy + Planning

Manager Open Space + Environmental Services

Manager Community Cultural + Economic Development

Greg Doyle

Andrew Carfield Chris Stewart

Renee Campbell

Kerry Hunt

Todd Hopwood

Brian Jenkins

Lucielle Power

Ingrid McAlpin

David Green

Alan Davis

Glenn Whittaker

Mike Dowd

Joanne Page

Sue Savage

Apologies

Min No.



COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the leave of absence tendered by Councillor King (from 2 September to 13 October) and for Councillor Figliomeni (from 15 August to 5 September) be accepted.



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CLOSED SESSION				
ITEM C1	CONFIDENTIAL: General Manager's Performance Agreement 2019/20	12		
	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.



DISCLOSURE OF INTERESTS

Councillor T Brown declared a non-significant, non-pecuniary Conflict of Interest in Item 22 as she is a Member-elected Board Member of Destination Wollongong, which is referenced in the Motion. As the Motion is for a report to be prepared and Destination Wollongong is not the applicant, Councillor Brown advised that she would remain in the meeting during debate and voting on this matter.

Councillor Colacino declared a non-significant, non-pecuniary Conflict of Interest in Item 22 as he is a Member-elected Board Member of Destination Wollongong, which is referenced in the Motion. As the Motion is for a report to be prepared and Destination Wollongong is not the applicant, Councillor Colacino advised that he would remain in the meeting during debate and voting on this matter

WOMENS BIG BASH LEAGUE

Councillor D Brown advised of his recent attendance at the launch of the Women's Big Bash League with the Sydney Thunder to play Adelaide Strikers at Dalton Park on 20 November 2019. Councillor D Brown also advised that he is in receipt of a promotional Sydney Thunder shirt.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 12 AUGUST 2019



COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that the Minutes of the Ordinary Meeting of Council held on Monday, 12 August 2019 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM

ITEM	TITLE	NAME OF SPEAKER
21	Notice of Motion – Councillor Rimmer – Request for Home Ground for Illawarra Stingrays	Katherine McDonogh For Recommendation



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

CALL OF THE AGENDA



COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that the staff recommendations for items 2 to 4, 6 to 8, 10 to 12 and 14 to 19 inclusive be adopted as a block.

A PROCEDURAL MOTION by Councillor Rimmer seconded Councillor Cox was CARRIED UNANIMOUSLY that Item 21 be considered prior to Item 1.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 21, Councillor Walters departed and returned to the meeting, the time being from 6:28 pm to 6:29 pm.



ITEM 21 - NOTICE OF MOTION - COUNCILLOR RIMMER - REQUEST FOR HOME GROUND FOR ILLAWARRA STINGRAYS

281 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Rimmer seconded Councillor Cox that Council –

- Acknowledges that the Illawarra Stingrays are a National Premier League team based in the Wollongong LGA using various grounds for games and training.
- 2 Recognises the need for a home ground to be provided to the Illawarra Stingrays.
- 3 Is committed to finding them a stand-alone home ground that allows them an income stream toward financial sustainability.
- 4 Requests staff work proactively to locate a suitable home ground for the Stingrays and provide Councillors with a briefing on possible options at the briefing on 4 November 2019.
- 5 Council write to the Sports Minister, CEO Football NSW and CEO Football Federation of Australia to discuss funding and ground options for the Illawarra Stingrays.

At this stage Councillor Bradbery moved a FORESHADOWED MOTION should Councillor Rimmer's Motion be defeated –

- 1 Acknowledges the Illawarra Stingrays are a National Premier League team who are based in the Wollongong Local Government Area and congratulate them accordingly.
- 2 Requests Council staff to identify possible sites for a suitable home ground and facilities for the Stingrays.
- 3 Provide Councillors with a Briefing on the outcome of Point 2 at the Councillor Briefing scheduled for 4 November 2019.

The FORESHADOWED MOTION moved by Councillor Bradbery lapsed for the lack of a seconder.

Variation

The addition of Point 5

The following variation by Councillor Cox were accepted by the mover and seconder -

The following variation by Councillor Dorahy was accepted by the mover and seconder –

- The removal of the words 'with their own lease arrangements or a joint / sub leasing arrangement that provides a home ground on terms' from Point 3
- The addition of the words 'stand-alone' in Point 3

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 1, Councillor Walters departed and returned to the meeting, the time being from 6:57 pm to 6:59 pm.

ITEM 1 - WOLLONGONG CITY FLOOD STUDY (2019)

- 282 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that
 - 1 The Wollongong Flood Study (2019) be adopted.
 - 2 Persons who made submissions be thanked and advised of Council's decision.



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

The following staff recommendation was adopted as part of the block adoption of items (refer Minute Number 280).

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that the minor amendment to the West Dapto Development Contributions Plan (2017) be adopted (Attachment 1 to the report).

ITEM 3 - DRAFT WEST DAPTO DEVELOPMENT CONTRIBUTIONS PLAN (2020) POST EXHIBITION

The following staff recommendation was adopted as part of the block adoption of items (refer Minute Number 280).

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

- 1 The key issues raised in submissions be noted.
- 2 The Draft West Dapto Development Contributions Plan (2020) be submitted to IPART (as exhibited) along with full copies of all submissions received for independent review.
- 3 A report be presented back to Council with the IPART recommendations and NSW Minister for Planning's advice in relation to the finalisation of the 2020 Plan. The report will clearly outline how all public submissions have been considered and responded to during preparation of the final 2020 Plan.

ITEM 4 - QUARTERLY VARIATIONS REPORT FOR DEVELOPMENT APPLICATIONS JUNE 2019

The following staff recommendation was adopted as part of the block adoption of items (refer Minute Number 280).

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that Council note the development standards variation report for the period 1 April 2019 to 30 June 2019.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 5, Councillor Cox departed and returned to the meeting, the time being from 7:14 pm to 7:16 pm.

ITEM 5 - ILLAWARRA DISTRICT WEEDS AUTHORITY DEED OF AGREEMENT - SEPTEMBER 2019

- 283 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Blakey that -
 - 1 In accordance with Section 377 of the Local Government Act 1993, Council exercise their weed control functions as the Local Control Authority under the Biosecurity Act 2015 jointly as the Illawarra District Weeds Authority, under the auspices of the Illawarra Shoalhaven Joint Organisation.
 - 2 Council delegate to the General Manager the authority to finalise and execute the Illawarra District Weeds Authority Agreement 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 agreement and any other documentation, should it be required to give effect to this resolution.



ITEM 6 - PROPOSED NAMING OF THREE UNNAMED RESERVES IN KEMBLA GRANGE

The following staff recommendation was adopted as part of the block adoption of items (refer Minute Number 280).

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that Council endorse the application to the Geographical Names Board of NSW to formally assign the following under the Geographical Names Act 1996 -

- a Lot 996 DP 1239565 as 'Stane Dyke Park'
- b Lot 99 DP 1230416 and Lot 999 DP1239565 as 'McPhail Reserve'
- c Lot 2000 DP 1239566 as 'Mogomorra Park'.

ITEM 7 - PROPOSED ROAD NAMING OF LANE 47 IN AUSTINMER

The following staff recommendation was adopted as part of the block adoption of items (refer Minute Number 280).

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that Council take action under Section 162 of the Roads Act 1993 to name the unnamed Lane 47 located between Gilchrist Street/The Grove and Wigram Road in Austinmer as "Hilldale Walk".

ITEM 8 - DRAINAGE EASEMENT OVER COMMUNITY LAND AT KEIRAVILLE

The following staff recommendation was adopted as part of the block adoption of items (refer Minute Number 280).

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

- 1 Council resolves to grant a drainage easement under S. 46 (a1) of the Local Government Act 1993 over Council Community Land, Lot 226 DP 217886, known as Murray Reserve, Keiraville.
- 2 The drainage easement is to benefit the adjoining land, 74 Robsons Road, Keiraville, identified as Lot 6 DP 503156.
- 3 Council resolves to accept compensation for the grant of the easement in accordance with the valuation report prepared by the registered valuer, the amount to be calculated as being 20% of the square metre rate of the property determined to be \$576.29 per square metre (GST free).
- 4 The applicant be responsible for all costs associated with the matter.
- 5 The Lord Mayor and General Manager be authorised to finalise the matter.
- 6 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.

ITEM 9 - POLICY REVIEW: ENCROACHMENT COUNCIL POLICY

284 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the revised Encroachment Council Policy be adopted.



ITEM 10 - POLICY REVIEW: FINANCIAL ASSISTANCE COUNCIL POLICY

The following staff recommendation was adopted as part of the block adoption of items (refer Minute Number 280).

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that Council adopts the revised Financial Assistance Council Policy.

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 280).

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that the revised Fraud and Corruption Prevention Policy be adopted.

ITEM 12 - TENDER T17/14 ELECTRICAL DISTRIBUTION BOARD INSPECTION AND TESTING

The following staff recommendation was adopted as part of the block adoption of items (refer Minute Number 280).

COUNCIL'S RESOLUTION — RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that in accordance with clause 178 (1) (b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for T17/14 Electrical Distribution Board Inspection & Testing Services to Council and resolve to invite fresh tenders by open tendering in accordance with clause 178 (3) (b).

ITEM 13 - TENDER T18/20 BUILDING TRADE SERVICES PANEL

- 285 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Kershaw that
 - 1 In accordance with clause 178 (1) (a) of the Local Government (General) Regulation 2005, Council accept the tender of the companies listed in the tables provided for the building services panel, over the two-year term of the contract (with options of extension for 3 further periods of one year).
 - 2 Council delegate to the General Manager the authority to finalise and execute the contracts 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.
 - 4 Assessment rankings/summary of tenderers have been updated on 2 September 2019 due to two tenderers lobbying Councillers.



ITEM 14 - TENDER T19/20 WOLLONGONG SENIOR CITIZENS CENTRE BUILDING UPGRADES

The following staff recommendation was adopted as part of the block adoption of items (refer Minute Number 280).

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

- In accordance with clause 178 (1) (a) of the Local Government (General) Regulation 2005, Council accept the tender of Matrix Group Co Pty Ltd for the Wollongong Senior Citizens Centre Building Upgrades in the sum of \$623,300.00, 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 15 - WRITE OFF COUNCIL RATES - LOT 1 DARCY ROAD, PORT KEMBLA NSW 2505

The following staff recommendation was adopted as part of the block adoption of items (refer Minute Number 280).

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that Council write off rates of \$105,282.36 on Assessment No 76083.0 that was subject to a lease over Crown land as the lessee has been deregistered with Australian Security & Investments Commission (ASIC) and Council is unable to recover the rates arrears.

ITEM 16 - DRAFT QUARTERLY REVIEW STATEMENT JUNE 2019

The following staff recommendation was adopted as part of the block adoption of items (refer Minute Number 280).

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

- 1 The draft Quarterly Review Statement June 2019 be adopted.
- 2 Council approve the transfer to Strategic Projects internally restricted cash of \$4M representing an improvement in the Funds Result for the year ending 30 June 2019.
- 3 Council approve the transfer to Strategic Projects internally restricted cash of \$630K representing proceeds from a road closure in Ellen Street.

ITEM 17 - JULY 2019 FINANCIALS

The following staff recommendation was adopted as part of the block adoption of items (refer Minute Number 280).

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

- 1 The financials be received and noted.
- 2 Council approves the proposed changes to the Capital Budget.



ITEM 18 - STATEMENT OF INVESTMENT - JULY 2019

The following staff recommendation was adopted as part of the block adoption of items (refer Minute Number 280).

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that Council receive the Statement of Investment for July 2019.

ITEM 19 - NOTICE OF MOTION - COUNCILLOR COX - NEW BUILDINGS - ENERGY POSITIVE

The following staff recommendation was adopted as part of the block adoption of items (refer Minute Number 280).

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that Council staff provide a report or briefing to Councillors outlining ways to ensure that all new buildings are energy positive (buildings that produce more energy than they use), including but not limited to -

- 1 Changes to our Development Control Plan including any site specific Development Control Plans.
- 2 Incentives for developers, home owners and renovators.
- Working with state government to lift energy efficiency and production requirements under Basix and extend Basix to commercial buildings.
- 4 Working with state and federal governments to lift the standards applied to exempt and complying development.
- Working with the Federal Government to include energy efficiency requirements in the National Building Code.
- 6 Encouraging energy positive homes in display villages to demonstrate to buyers that energy positive homes are practical and affordable.



ITEM 20 - NOTICE OF MOTION - COUNCILLOR BLAKEY - STYROFOAM WAFFLE POD MANAGEMENT



- 1 Council note that styrofoam waffle pods as used in building slabs are prone to being dispersed by wind, and when this happens they have a serious impact on our waterways, farmland and the environment.
- 2 Council notes that the current voluntary code of practice for waffle pod use and storage is insufficient to secure them during seasonal high winds.
- Council write to the NSW Minister for Better Regulation and the Environment Minister outlining the serious pollution incidents that have occurred under the voluntary code of practice, and seek their support to investigate solutions such as
 - a Mandating a compulsory code of practice for the storage and use of styrofoam waffle pods.
 - b Significantly increasing fines for non-compliance.
 - c Replacement with void forms made of sustainable materials such as cardboard, or recycled plastics and other materials.
 - d The phase out of styrofoam in waffle pods.
- 4 Council support the following motion to the 2019 Local Government NSW Conference that Local Government NSW
 - a Recognises that styrofoam waffle pods cause serious wind-blown pollution.
 - b Is concerned that the current voluntary code of practice is insufficient to secure styrofoam waffle pods on building sites.
 - c Is concerned that the clean-up of wind-blown styrofoam is a major burden on council resources.
 - d Lobbies the NSW State Government to seek solutions to the use of styrofoam in waffle pods in building slabs.

Variation

The variation to remove the words 'see newspaper link' at the end of Point 4a by Councillor D Brown was accepted by the mover and seconder.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 22, Councillor Dorahy departed and returned to the meeting, the time being from 8:05 pm to 8:08 pm.



ITEM 22 - NOTICE OF MOTION - COUNCILLOR WALTERS - TRIAL OF BEACH CLUB AT NORTH WOLLONGONG BEACH 2019/2020

- 287 COUNCIL'S RESOLUTION RESOLVED on the motion of Councillor Walters seconded Councillor Dorahy that Wollongong City Council -
 - 1 Investigate the opportunities offered to our ongoing tourism growth by holding a trial of a pop-up "Beach Club" at North Wollongong Beach, or any other suitable foreshore location in the Wollongong Local Government Area, over the summer of the 2020/2021 season.
 - 2 Council deliver to Councillors, in the form of a briefing note, the results of the following investigations, by the end of April 2020
 - a Council work in collaboration with Destination Wollongong to investigate running a pop-up "Beach Club" trial at North Wollongong Beach or any other suitable foreshore location in the Wollongong Local Government Area
 - b The scope of the term pop-up "Beach Club" will cover, but not be limited to, the service of alcohol, food, seating, tables, sun chairs and live music
 - c Consideration is given to running the trial during the months of December, January and February
 - d Outline the benefits in both economic terms, and as an area attractor/activator, that this type of opportunity has already delivered to areas where such clubs currently exist
 - e Investigate what partnerships, within the local community, could be developed
 - f Report on what the Development Application implications of such a proposal could be and how other clubs from around Australia have managed this type of offering
 - g Investigate the possible environmental impacts a pop-up "Beach Club" could have on the surrounding area
 - h Outline what times would be suitable for a pop-up "Beach Club" to operate.

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

- The addition of the words 'pop-up' by Councillor Martin in Points 1, 2a, 2b, 2g and 2h
- The removal of the words 'beach location' and replaced with 'foreshore location' by Councillor Blakey in Points 1 and 2a
- The removal of the words '2019/2020' and replaced with '2020/2021' by Councillor Walters in Point 1
- The removal of the words 'as soon as possible' with 'by the end of April 2020' by Councillor Colacino in Point 2

At this stage Councillor Cox moved a FORESHADOWED MOTION should Councillor Walters' Motion be defeated –

That the upcoming briefing on mobile food trucks also include an update on the possibility of running a Beach Club.

At this stage Councillor D Brown moved a FORESHADOWED MOTION should Councillor Walters' Motion be defeated –

That Council call for proposals to operate a Beach Club.

In favour Councillors Rimmer, T Brown, Martin, Cox, Blakey, Colacino, Walters and Dorahy

Against Councillors Kershaw, D Brown and Bradbery



CLOSED COUNCIL SESSION

The Lord Mayor called for a Motion to close the meeting to consider a Confidential Item which deals with a report back to Council on the General Manager's Performance Agreement 2019/2020 in accordance with Section 10A (2) (a) of the Local Government Act.

Prior to putting the above Motion to the vote, the Lord Mayor advised members of the press and gallery that Item C1 relates to a report back to Council on the General Manager's Performance Agreement 2019/2020 and is classified as Confidential for the following reasons –

- 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
- 2 In accordance with Section 10A (4) of the Local Government Act 1993, the Lord Mayor invited members of the gallery to make representations to the Council meeting as to whether this part of the meeting should be closed
- COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Dorahy that the meeting move into Closed Session to consider a report back to Council on the General Manager's Performance Agreement 2019/2020 in accordance with Section 10a (2) (a) of the Local Government Act 1993 on the basis that
 - 1 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 matter in open meeting.

There being no members present in the gallery, the MOTION was PUT to the VOTE and was CARRIED UNANIMOUSLY.

At this stage, the time being 8:30pm, the meeting moved into Closed Session.

ITEM C1 - GENERAL MANAGER'S PERFORMANCE AGREEMENT 2019/20

- 289 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Walters that Council noted the report provided by the performance review committee on the confidential General Manager's Performance Agreement 2019/20.
- 290 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 8:41pm.

OPEN COUNCIL SESSION

RESOLUTIONS FROM THE CLOSED SESSION OF COUNCIL

The Lord Mayor advised the meeting of Council's Resolution whilst in Closed Session (refer to Minute Number 289).

THE MEETING CONCLUDED AT 8:42PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 23 September 2019.

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	Chairperson