



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 18 November 2019

### 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 Janice Kershaw  
Councillor Jenelle Rimmer  
Councillor John Dorahy  
Councillor Leigh Colacino  
Councillor Mithra Cox  
Councillor Vicky King

### 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 (Acting)  
Manager Governance + Customer Service  
Chief Financial Officer  
Manager Property + Recreation (Acting)  
Manager Regulation + Enforcement  
Manager City Strategy  
Manager City Works  
Manager Project Delivery  
Manager Open Space + Environmental Services  
Manager Library + Community Services  
Greg Doyle  
Andrew Carfield  
Linda Davis  
Renee Campbell  
Sue Savage  
Todd Hopwood  
Brian Jenkins  
Lucielle Power  
Danny Madigan  
Chris Stewart  
Mark Roebuck  
Glenn Whittaker  
Joanne Page  
Jenny Thompson

### Apologies

Min No.

**315** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the apology tendered on behalf of Councillor Figliomeni be accepted.

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## CONFLICTS OF INTEREST

The Lord Mayor, Councillor Bradbery, declared a non-pecuniary significant conflict of interest in Item 5 (Public Exhibition – Draft Cringila Hills Recreation Master Plan) and advised he will depart the chamber during debate and voting on the item, as he lives in close proximity to the area subject to the report. Councillor Bradbery advised that Deputy Lord Mayor, Councillor Tania Brown, would reside as Chair during this time.

## CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 28 OCTOBER 2019

- 316 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the Minutes of the Ordinary Meeting of Council held on Monday, 28 October 2019 (a copy having been circulated to Councillors) be taken as read and confirmed.

## CALL OF THE AGENDA

- 317 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that the staff recommendations for Items 1, 2, 4, 6, 7 and 9 to 15 inclusive be adopted as a block.

## ITEM 1 - WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019 FOR ADOPTION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 317).

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

- 1 The Wollongong City-Wide Development Contributions Plan (2019) be adopted.

## ITEM 2 - COMMUNITY PARTICIPATION PLAN (2019) - FOR ADOPTION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 317).

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

- 1 The Community Participation Plan (2019) be adopted.
- 2 The Wollongong Development Control Plan – Appendix 1 Public Notification and Advertising Procedures be repealed.
- 3 A notice be placed in the local newspaper advising of the above actions.

### ITEM 3 - STANWELL PARK BEACH DOG CONTROL AREAS CONSULTATION

**318** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Kershaw that -

- 1 The declared off-leash dog area at Stanwell Park Beach be retained at the northern end of the beach.
- 2 The existing off-leash dog area at Stanwell Park Beach be extended north by declaring the small northern most section of the sandy beach as a dog off-leash area in accordance with Section 13.6 of the Companion Animals Act 1998.

### ITEM 4 - PROPOSED ALTERATION TO WARD BOUNDARIES - RESULTS OF PUBLIC EXHIBITION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 317).

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

- 1 In accordance with s210A of the Local Government Act 1993 the proposed Ward boundaries detailed in the report, and as shown in Attachment 1, be endorsed.
- 2 The endorsed Ward boundaries be forwarded to the NSW Electoral Commissioner with a request that the boundaries apply and be used for the local government elections to be held in September 2020.

### DEPARTURE OF COUNCILLOR

Due to a declared conflict of interest, Councillor Bradbery departed the meeting at 6:10 pm and was not present during the debate or voting on Item 5. Councillor Bradbery returned to the meeting at 6:18 pm. During this time Councillor T Brown acted as Chair.

### ITEM 5 - PUBLIC EXHIBITION - DRAFT CRINGILA HILLS RECREATION MASTER PLAN

**319** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Martin seconded Councillor Walters that -

- 1 Council endorse the draft Cringila Hills Recreation Master Plan for public exhibition from 19 November 2019 to 31 January 2020.
- 2 Following public exhibition, Council receive a further report with an updated master plan incorporating the community engagement findings
- 3 The Public Engagement also include Neighbourhood Forum 8, Lake Heights, Berkeley and Unanderra Schools.

*Variation* The variation moved by Councillor King (the addition of Point 3) was accepted by the mover and seconder.

## **ITEM 6 - REVIEW OF CHAPTERS E13: FLOODPLAIN MANAGEMENT AND E14: STORMWATER MANAGEMENT OF WOLLONGONG DCP**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 317).

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

- 1 The draft Wollongong Development Control Plan (2009) Chapters E13: Floodplain Management and E14: Stormwater Management be exhibited for a minimum period of 28 days.
- 2 A further report outlining the submissions received from the public exhibition process with recommendations regarding progression of the draft DCP amendments be prepared for Council's consideration.

## **ITEM 7 - QUARTERLY VARIATIONS REPORT FOR DEVELOPMENT APPLICATIONS - SEPTEMBER 2019**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 317).

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

Council note the development standards variation report for the period 1 July 2019 to 30 September 2019.

## **ITEM 8 - SOUTHERN PHONE - PROPOSED PURCHASE BY AGL**

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

- 1 Council agrees to sell its two shares (being one A Class Ordinary Share and one Preference Share) in Southern Phone Company Limited to AGL Energy Limited for \$785,714.00.
- 2 The General Manager be delegated the authority to execute the Share Sale Agreement, and any other related or ancillary transaction document for the purpose of giving effect to the sale.

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

Against Councillors Cox and Blakey

## **ITEM 9 - POLICY REVIEW - PUBLIC INTEREST DISCLOSURE POLICY [PREVIOUSLY INTERNAL REPORTING POLICY]**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 317).

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

- 1 The Internal Reporting Policy be renamed Public Interest Disclosure Policy.
- 2 The Public Interest Disclosure Policy be adopted.

## **ITEM 10 - TENDER T19/03A - PRINCIPAL DESIGN CONSULTANT (ARCHITECT) FOR WARRAWONG DISTRICT COMMUNITY CENTRE AND LIBRARY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 317).

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

- 1 a In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for the provision of professional services for Principal Design Consultant (Architect) for Warrawong District Community Centre and Library 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 clause 178(4) of the Local Government (General) Regulation 2005, 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.

## **ITEM 11 - TENDER T19/05 - SUPPLY OF SERVICE - CONTAINERISED TREES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 317).

**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 tenders of Andreasens Green (NSW) Pty Ltd, Trees Impact Pty Ltd and Speciality Trees Pty Ltd for the provision of a panel for Supply of Services – containerised trees at the rates set out in each tenderer's Form of Tender, to the sum of \$660,000 over three years inclusive of 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 12 - TENDER T19/30 - BRIDGE WORKS FOR BRIDGES OVER CABBAGE TREE CREEK AT MONTAGUE STREET AND PRINCES HIGHWAY, FAIRY MEADOW**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 317).

**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 Diverse Civil Contracting Pty Ltd for bridge works for bridges over Cabbage Tree Creek at Montague Street and Princes Highway, Fairy Meadow, in the sum of \$519,887.68, 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 13 - TENDER T19/32 - FIGTREE OVAL FIELD 1 IRRIGATION**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 317).

**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 Water Well Sales Pty Ltd for the design, supply and installation of the Figtree Oval Field 1 Irrigation system, in the sum of \$142,730.00, 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 14 - DRAFT QUARTERLY REVIEW STATEMENT SEPTEMBER 2019**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 317).

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

- 1 The draft Quarterly Review Statement September 2019 be adopted.
- 2 The Budget Review Statement as at September 2019 be adopted and revised totals of income and expenditure be approved and voted.

**ITEM 15 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF MEETING HELD 23 OCTOBER 2019**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 317).

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

- 1 In accordance with the powers delegated to Council, the Minutes and Recommendations of the City of Wollongong Traffic Committee held on 23 October 2019 in relation to Regulation of Traffic be adopted.

**THE MEETING CONCLUDED AT 6:22 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 9 December 2019.

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Chairperson