



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 13 September 2021

### 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 Jenelle Rimmer  
Councillor John Dorahy  
Councillor Leigh Colacino  
Councillor Mithra Cox

### In Attendance

General Manager	Greg Doyle
Director Infrastructure + Works, Connectivity Assets + Liveable City (Acting)	Joanne Page
Director Planning + Environment, Future City + Neighbourhoods	Linda Davis
Director Corporate Services, Connected + Engaged City	Renee Campbell
Director Community Services, Creative + Innovative City	Kerry Hunt
Manager Governance + Customer Service	Todd Hopwood
Chief Financial Officer	Brian Jenkins
Manager Property + Recreation	Lucielle Power
Manager City Strategy	Chris Stewart
Manager City Works	Corey Stoneham
Manager Project Delivery	Glenn Whittaker
Manager Infrastructure Strategy + Planning	Trish McClure
Manager Open Space + Environmental Services (Acting)	Paul Tracey
Manager Community Cultural + Economic Development	Sue Savage

Note: Due to current government requirements around social distancing obligations due to the COVID-19 pandemic, all Councillors and staff attended the Meeting of Council via Microsoft Teams. The Lord Mayor and General Manager were present in the Council Chambers for this meeting.

### Apologies

Min No.

**575** **COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Rimmer seconded Councillor Bradbery that the apology tendered on behalf of Councillor Kershaw be accepted and a leave of absence granted.

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## CLOSED SESSION

### ITEM C1 CONFIDENTIAL: Confidential - Write Off Debt Following Court Proceedings

#### 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)(g) of the Local Government Act, 1993, as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.*

### URGENCY ITEM - CONFIDENTIAL: Proposed Strategic Acquisition

#### 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)(d(i)) (d(ii)) of the Local Government Act, 1993, as the report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.*

### ITEM C2 CONFIDENTIAL: Performance Review Committee Report - General Manager's Annual Performance Review

#### 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.*

## **CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 2 AUGUST 2021**

- 576 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, 2 August 2021 (a copy having been circulated to Councillors) be taken as read and confirmed.

### **CONFLICTS OF INTERESTS**

Councillor Martin declared a non-pecuniary, non-significant conflict of interest in Item 1 – Literature Review of Lead and other Heavy Metals in the Wollongong Local Government Area, as she lives in Port Kembla and has a friendship with Mr Ian Wilson who is the current General Manager of Port Kembla Property. Councillor Martin advised she would remain in the meeting during debate and voting on the item.

Councillor Figliomeni declared a non-pecuniary, non-significant conflict of interest in the Urgency Item – Confidential: Proposed Strategic Acquisition, as he is the President of Scouts for the South Coast and Tablelands. Scouts is referred to in the report as holding an adjacent property. Councillor Figliomeni advised he would remain in the meeting during debate and voting on the item.

### **PETITION – OBJECTION TO THE PROPOSED NAME CHANGE TO AVONDALE, DAPTO**

Councillor Martin tabled a petition from the community, containing 192 signatures, objecting to the proposed name change to Avondale in Dapto due to its historical pioneer rural connection since 1957.

### **ITEM A - LORD MAYORAL MINUTE – ROAD INFRASTRUCTURE BETWEEN DAPTO, WEST DAPTO AND THE M1 MOTORWAY**

- 577 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Council request that Transport for NSW engage with Council Officers to expedite an integrated plan and strategy for the construction of direct road connections and appropriate infrastructure between the West Dapto Urban Release Area (WDURA) and the M1 Motorway. The priority should be the southbound direct access to the M1 due to the imminent completion of the Albion Park Rail Bypass which at present limits the WDURA access to the M1 via the Princess Highway only.

### **CALL OF THE AGENDA**

- 578 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that the staff recommendations for Items 1, then 4 to 8 inclusive, then 10 to 13 inclusive be adopted as a block.

### **URGENT MATTER WITHOUT NOTICE**

Councillor D Brown moved a PROCEDURAL MOTION that an Urgency Item be brought forward in relation to the strategic acquisition of property.

- 579 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that Council, as a matter of urgency, go into closed session to discuss a report on a proposed strategic acquisition through a non-binding EOJ process, due to time constraints in relation to the matter. This matter be considered prior to Item C2 which will be considered as the final item on the agenda.

Following the Resolution of Council, the Lord Mayor, Councillor Bradbery, ruled in accordance with Clause 9.3(b) of Council's Code of Meeting Practice that the matter was of great urgency and required a decision by the Council before the next scheduled ordinary meeting of Council.

### **ITEM 1 - LITERATURE REVIEW OF LEAD AND OTHER HEAVY METALS IN THE WOLLONGONG LOCAL GOVERNMENT AREA**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 578)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that the information in the report be noted.

### **ITEM 2 - DELEGATION TO THE GENERAL MANAGER**

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

- 1 Any previous delegation to the General Manager be revoked.
- 2 Council delegate to the General Manager the "General Manager's Delegation (Instrument of Delegation)" attached as Attachment A as amended, by changing the following points to read –
  3. Fixes the amount, pursuant to clause 213 of the *Local Government (General) Regulation 2021*, above which debts to the council may be written off only by resolution of the council to be \$10,000. A debt of or below that amount can be written off, by order, in writing by the General Manager and details reported to the ARIC on a monthly basis.
  - 4i. Between the last meeting of the Council for the calendar year and the first meeting of the following year, with the agreement of the Lord Mayor, or in the absence of the Lord Mayor with the Deputy Lord Mayor; and
    - ii. Between the last meeting of the Council term and the day appointed for the next ordinary election; with the agreement of the Lord Mayor, or in the absence of the Lord Mayor with the Deputy Lord Mayor, and remaining compliant with section 393B(1)(a) of the *Local Government (General) Regulation 2021*, and
    - iii. Between the day appointed for the ordinary election and the first meeting of the new Council term, with the agreement of the Lord Mayor.

*Variation* The variation moved by Councillor Bradbery (the addition of the words "and details reported to the ARIC on a monthly basis" at the end of point 3 of the attachment) was accepted by the mover and seconder.

### **ITEM 3 - LATE REPORT: VOTING DELEGATES FOR LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - 29 NOVEMBER 2021**

**581** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that in addition to the Lord Mayor and Deputy Lord Mayor, Council appoints Councillors Kershaw, Dorahy, D Brown, Martin and Walters as voting delegates to the Local Government NSW Annual Conference, to be held online on 29 November 2021.

**ITEM 4 - PROPOSED ACQUISITION OF EASEMENTS FOR BATTER AND ACCESS OVER LOT 1 DP 628538, NO 351 FARMBOROUGH ROAD, FARMBOROUGH HEIGHTS TO FACILITATE PROJECT AT WHYTES GULLY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 578)

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

- 1 Council acquire an easement for batter and an easement for access over the portion of Lot 1 DP 628538, No 351 Farmborough Road, Farmborough Heights as shown on the attachments to this report.
- 2 Council pay compensation to owners of Lot 1 DP 628538, No 351 Farmborough Road, Farmborough Heights in the amount of \$31,900.00 including GST.
- 3 Council be responsible for all costs relating to the easement acquisitions including valuation, survey, plan registration and legal costs.
- 4 Council be responsible for all disturbance costs as per section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* including the landowner's reasonable valuation and legal costs.
- 5 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to the survey plan, Section 88B Instrument and any other documentation required to give effect to this resolution.

**ITEM 5 - KEIRA VILLAGE PARK (KEIRA OVAL), MT KEIRA - OFF KEIRA MINE ROAD, KEIRAVILLE - BANK STABILISATION, REPLACEMENT OF STORMWATER INFRASTRUCTURE AND ASSOCIATED WORKS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 578)

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

- 1 Pursuant to section 55(3)(i) of the Local Government Act 1993, tenders not be invited for the contract (or contracts) for the replacement of stormwater drainage, bank stabilisation and associated works at Keira Village Park (Keira Oval) located off Keira Mine Road, Keiraville. This is due to extenuating circumstances, being the risk of embankment failure, localised flooding and restriction on access to the oval and the adjacent Edmund Rice College in heavy rain events should these works not be expedited.
- 2 Council delegate to the General Manager the authority to undertake and finalise a formal quotation process, in accordance with Council's procurement policies and procedures with contractors with demonstrated experience and ability to undertake the works with a view to entering into a contract (or contracts) for these works.
- 3 Council delegate to the General Manager authority to enter a contract (or contracts) with the contractor or contractors selected following the process outlined at 2 above.
- 4 A report describing the outcome of the procurement process be submitted to the next available Council meeting following the successful engagement of the contractor or contractors.

## **ITEM 6 - TENDER T1000007 (T20/45) - SPORTS FIELD LIGHTING UPGRADE - THOMAS DALTON PARK, FAIRY MEADOW**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 578)

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Central West Electrical Contractors Pty Ltd, in the sum of \$898,198.00 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 7 - TENDER T21/10 - CONSTRUCTION OF CRINGILA HILLS PUMP TRACK, BIKE SKILLS PLAYGROUND AND ASSOCIATED WORKS AND DESIGN AND CONSTRUCTION OF A STORMWATER DRAINAGE SYSTEM**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 578)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy 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 construction of Cringila Hills pump track, bike skills playground and associated works and design and construction of a stormwater drainage system, in the sum of \$1,592,350.32, 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 8 - TENDER T1000009 - LICENCE TO OPERATE DAPTO POOL KIOSK AND CASH COLLECTION SERVICES AGREEMENT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 578)

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Tegy Transport Pty Ltd for the Licence to operate the Dapto Pool Kiosk for a term of two consecutive seasons, and pay a rental in the sum of \$4,200, excluding GST for the Licence to operate the kiosk.
- 2 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Tegy Transport Pty Ltd for the provision of Dapto Pool Cash Collection Services for a term of two consecutive seasons Council pay an amount of \$245,000, excluding GST through a Services Agreement for cash collection duties.
- 3 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.
- 4 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 9 - TENDER T1000010 - LICENCE TO OPERATE CORRIMAL POOL KIOSK AND CASH COLLECTION SERVICES AGREEMENT**

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Corrimal Swim Squad Pty Ltd for the Licence to operate the Corrimal Pool Kiosk for a term of two consecutive seasons, and pay rental in the sum of \$7,700, excluding GST for the licence to operate the kiosk.
- 2 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Corrimal Swim Squad Pty Ltd for the provision of Corrimal Pool Cash Collection Services for a term of two consecutive seasons whereby Council pay an amount of \$266,000, excluding GST through a Services Agreement for cash collection duties.
- 3 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.
- 4 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.
- 5 The tenders be accepted subject to the negotiation of a probity plan with the successful tenderer prior to finalisation of appointment.

## **ITEM 10 - TENDER T1000013 (T21/30) - PORT KEMBLA POOL INTAKE - STAGE 2**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 578)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy 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 Port Kembla Pool Intake – Stage 2 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, or any other party 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 - JULY 2021 FINANCIALS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 578)

**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 for July 2021.



## **ITEM 12 - STATEMENT OF INVESTMENT - JULY 2021**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 578)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that Council receive the Statement of Investment for July 2021.

## **ITEM 13 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF MEETING HELD 10 AUGUST 2021**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 578)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that in accordance with the powers delegated to Council, the Minutes and Recommendations of the Wollongong Traffic Committee meeting held on 10 August 2021 in relation to Regulation of Traffic be adopted.

## **ITEM 14 - NOTICE OF MOTION - COUNCILLOR TANIA BROWN - CO-WORKING HUBS**

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

- 1 The General Manager write to Minister John Barilaro, Minister for Regional New South Wales, Industry and Trade and Minister Stuart Ayers, Minister for Jobs, Investment and Tourism seeking reinstatement of the Smart Work Hubs program and highlighting that in a post COVID environment, Wollongong has the potential to deliver local business hubs that could support our regional economy.
- 2 Council request that Invest Wollongong consider raising with Investment NSW and the Office of Regional NSW, the potential for Wollongong to grow as a base for Co-Working Hubs, targeting start-up and scale-up businesses.
- 3 A report or briefing be provided back to Council on outcomes and opportunities.

## **ITEM 15 - NOTICE OF MOTION - COUNCILLOR JOHN DORAHY - PEDESTRIAN CROSSING LIGHT AUTOMATIC SEQUENCING**

**584** **COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Dorahy seconded Councillor Walters that -

- 1 Wollongong City Council approach Transport for NSW (TfNSW) to seek their agreement to and begin action to implement Automatic Sequencing (Married Sequencing) of Pedestrian Signals in the CBD.
- 2 Council approach TfNSW and discuss the options to make all CBD lights Automatic and bring a report to a future Councillor Briefing of the response including but not limited to -
  - a The number and costs of phasing pedestrian lights that would be capable of Automatic Sequencing
  - b The number of current pedestrian lights active with Automatic Sequencing
  - c The proposed timing of installing Automatic Sequencing across the CBD
  - d The suggested CBD area include the boundary of Bridge Street/Springhill Road to Bourke Street, Harbour Street to Mangerton Road, being the most walkable area within close proximity to Crown Street.

*Variation* The variation moved by Councillor Figliomeni (the addition of 'and costs' to point 2a) was accepted by the mover and seconder.

*Variation* The variation moved by Councillor Colacino (the addition of 'of phasing pedestrian lights that would be capable' to point 2a) was accepted by the mover and seconder.

*In favour* Councillors Blakey, Colacino, Cox, Dorahy, Figliomeni, Martin and Walters

*Against* Councillors D Brown, T Brown, Rimmer and Bradbery

Councillor D Brown FORESHADOWED a MOTION should Councillor Dorahy's Motion be defeated that a Councillor Briefing be held on automatic pedestrian crossings in Wollongong.

## **ITEM 16 - NOTICE OF MOTION - COUNCILLOR CATH BLAKEY - SOLAR OUR SCHOOLS**

MOVED by Councillor Blakey seconded Councillor Cox that Council -

- 1 Investigate participation in the Solar My School Program, including how it complements actions within the Climate Change Mitigation Plan 2020.
- 2 Provide a Briefing to Councillors on the progress of the Environmental Education Plan that is part of the Climate Change Mitigation Plan 2020.

Councillor Blakey's MOTION on being PUT to VOTE was LOST

*In favour* Councillors Blakey, D Brown, Cox and Martin

*Against* Councillors T Brown, Colacino, Dorahy, Figliomeni, Rimmer, Walters and Bradbery

## **CLOSED COUNCIL SESSION**

The Lord Mayor called for a Motion to close the meeting to consider Confidential Items, which deal with reports to Council regarding -

- Writing off debt following the conclusion of court proceedings, in accordance with Section 10A(2) (g) of the Local Government Act 1993;
- The strategic acquisition of property, in accordance with Section 10A(2) (d(i)) (d(ii)) of the Local Government Act 1993; and
- The General Manager's Annual Performance Review, in accordance with Section 10A(2) (a) of the Local Government Act 1993.

Prior to putting the above Motion to the vote, the Lord Mayor advised the meeting that -

- 1 Item C1 relates to a report to Council regarding writing off debt following the conclusion of court proceedings and is classified as Confidential for the following reason -
  - a Section 10A(2) (g) of the Local Government Act 1993, permits the meeting to be closed to the public, as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- 2 Urgency Item – Confidential: Proposed Strategic Acquisition relates to a report to Council regarding the strategic acquisition of property and is classified as Confidential for the following reason -
  - a Section 10A(2) (d(i)) (d(ii)) of the Local Government Act 1993, permits the meeting to be closed to the public, as the report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council

- 3 Item C2 relates to a report to Council regarding the General Manager's Annual Performance Review and 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 had been received prior to the meeting, 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.

**585 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded Councillor Figliomeni that -

- 1 The meeting move into Closed Session to consider reports to Council regarding –
  - a Writing off debt following the conclusion of court proceedings, in accordance with Section 10A(2) (g) of the Local Government Act 1993, on the basis that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
  - b The strategic acquisition of property, in accordance with Section 10A(2) (d(i)) (d(ii)) of the Local Government Act 1993, on the basis that the report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council
  - c 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.

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 7:40 pm, the meeting moved into Closed Session.

### **CONFLICT OF INTEREST**

Councillor T Brown declared a non-pecuniary, significant conflict of interest in the Urgency Item – Confidential: Proposed Strategic Acquisition, as her employer, the University of Wollongong, is named in the report. Councillor T Brown advised she would depart the meeting during debate and voting on the item.

### **ITEM C1 – CONFIDENTIAL: WRITE OFF DEBT FOLLOWING COURT PROCEEDINGS**

**586 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that Council write-off the debt of \$159,291.11 owed as rent and rates as set out in Council's records for Debtor No 410459.

### **DEPARTURE OF COUNCILLOR**

Due to a disclosed conflict of interest, prior to debate and voting on the Urgency Item, Councillor T Brown departed the meeting, the time being 7:44 pm. Councillor T Brown returned to the meeting at the conclusion of the Urgency Item, the time being 8:07 pm.

**URGENCY ITEM – CONFIDENTIAL: PROPOSED STRATEGIC ACQUISITION**

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

- 1 Council resolve to commence negotiations through a non-binding expression of interest process in relation to the strategic acquisition of the subject property.
- 2 A further detailed briefing be provided to Councillors following an internal review by the Chief Financial Officer.
- 3 The matter be returned to Council 18 October 2021 with recommendations prior to the finalisation of negotiations.

*Variation* The variation moved by Councillor Bradbery (the addition of 'through a non-binding expression of interest' to point 1) was accepted by the mover and seconder.

**ITEM C2 – CONFIDENTIAL: PERFORMANCE REVIEW COMMITTEE REPORT – GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW**

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

- 1 Council note the General Manager's Performance Agreement Review 2020-2021.
- 2 Council note the General Manager's Performance Agreement for 2021-2022.
- 3 Council approve a Total Remuneration Package for the General Manager of \$422,351.00 per annum which is adjusted to include -
  - a The 2.5% Statutory and Other Officers Remuneration Tribunal (SOORT) increase, based on the deferred 2019 SOORT judgement, be applied from 3 June 2021.
  - b The 0.5% legislative increase of the superannuation guarantee be effective from 1 July 2021.
- 4 Council approve three (3) weeks of time-in lieu/special leave for the General Manager to acknowledge the extraordinary circumstances that occurred during the review period. The provision be deemed nonrecurrent and separate to the Total Remuneration Package.

**589** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Rimmer seconded Councillor Figliomeni that the meeting move out of Closed Session and into Open Council.

Council resumed into Open Session at 8:18 pm.

## **OPEN COUNCIL SESSION**

### **RESOLUTIONS FROM THE CLOSED SESSION OF COUNCIL**

The Lord Mayor advised the meeting of Council's Resolutions whilst in Closed Session (refer Minute Numbers 586, 587 and 588).

## **THE MEETING CONCLUDED AT 8:21 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 October 2021.

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Chairperson