



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 18 July 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 John Dorahy
Councillor Linda Campbell
Councillor Mithra Cox (attended electronically)
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 Information Officer (attended electronically)
Manager Governance + Customer Service
Manager City Strategy
Manager Regulation + Enforcement
Manager Project Delivery (attended electronically)
Manager Infrastructure Strategy + Planning
Manager Open Space + Environmental Services (attended electronically)
Manager Community Cultural + Economic Development
Land Use Planning Manager
Greg Doyle
Joanne Page
Linda Davis
Renee Campbell
Kerry Hunt
Ingrid McAlpin
Todd Hopwood
Chris Stewart
Corey Stoneham
Glenn Whittaker
Jeremy Morgan
Paul Tracey
Sue Savage
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.

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A PROCEDURAL MOTION was MOVED by Councillor Blakey seconded Councillor D Brown that an application for leave from Councillor Blakey for the Council Meeting of 8 August be accepted. The MOTION was PUT to the VOTE and CARRIED UNANIMOUSLY.

CONFLICTS OF INTERESTS

Councillor Walters declared a pecuniary conflict of interest in Item 1 - Public Exhibition - Draft Helensburgh Park Crown Reserves Plan of Management, as he lives in close proximity to the lands in the item and as such it has the ability to affect the property prices in his street. Councillor Walters advised he would depart the meeting during debate and voting on the item.

PRESENTATION

The Lord Mayor, Councillor Bradbery tabled a sign sent by the City of Saint-Cyprien-de-Napierville, Quebec, Canada, commemorating the naming of Rue Joseph Marceau. Joseph Marceau was a French-Canadian patriot, transported to NSW in late 1839 as a convict. In 1844 he was pardoned by Queen Victoria and he lived out his life as a farmer in West Dapto where he is now buried at the West Dapto Catholic Cemetery.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 27 JUNE 2022

699 **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, 27 June 2022 (a copy having been circulated to Councillors) be taken as read and confirmed.

CALL OF THE AGENDA

700 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that the staff recommendations for Items 2, 3, 5 then 8-10 inclusive be adopted as a block.

ITEM A - LORD MAYORAL MINUTE - IMPACT OF RECENT WEATHER EVENTS ON THE REGION'S INFRASTRUCTURE

701 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that -

Wollongong City Council -

- 1 Notes the substantial disruption caused by the recent rain events (February to July 2022) on the social and economic activity of the city and region.
- 2 Convenes a meeting of stakeholders to formulate an overview of this impact and identify issues to lobby State and Federal Ministers and Agencies, for investment in transport and other infrastructure to build resilience, noting:
 - a Among those invited (but not excluding other possible stakeholders) State and Federal Members of Parliament, BlueScope Steel, NSW Ports, GrainCorp, Qube Logistics, University of Wollongong, Manildra Group, Coregas, Cement Australia, South 32, RDA Illawarra, Business Illawarra, i3net, Shellharbour, Kiama and Shoalhaven Councils, ISJO and Port Kembla Gateway.
 - b That as part of the success and future promotion of the Region's economic activity, there needs to be clear investment priorities to improve transport links and resilience to avoid constrained assets and limiting investment opportunities.

Variation The variation moved by Councillor Figliomeni (the addition of Port Kembla Gateway to Point 2a) was accepted by the mover.

Variation The variation moved by Councillor T Brown (the addition of State and Federal Members of Parliament to Point 2a) was accepted by the mover.

DEPARTURE OF COUNCILLOR

Due to a disclosed Conflict of Interest in Item 1, Councillor Walters departed the meeting at 6:34 pm and was not present for the debate nor voting on Item 1. Councillor Walters returned to the meeting at 6:40 pm at the conclusion of Item 1.

ITEM 1 - PUBLIC EXHIBITION - DRAFT HELENSBURGH PARK CROWN RESERVES PLAN OF MANAGEMENT

702 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Cox seconded Councillor R Martin that -

- 1 The draft Helensburgh Park Crown Reserves Plan of Management (Attachment 2) be referred to the NSW Department of Planning and Environment – Crown Lands –
 - a as the landowner, as required by section 39 of the Local Government Act 1993;
 - b for Ministerial consent to exhibit the draft Plan of Management as required by clause 70B of the Crown Land Management Regulation 2018; and
 - c for Ministerial consent to apply the additional Crown reserve purpose of “community purposes” under section 3.38 of the Crown Land Management Act 2016, to enable the development and operation of a new Helensburgh Community Centre and Library facility.
- 2 Following the receipt of approval by the Department as landowner and the Minister’s consent, the draft Helensburgh Park Crown Reserves Plan of Management be exhibited for a minimum period of 42 days.
- 3 A further report be submitted to Council on the community feedback received following the exhibition period.

ITEM 2 - POST EXHIBITION - REVIEW OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009: CHAPTER E23 RIPARIAN LAND MANAGEMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 700)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that The updated Wollongong Development Control Plan 2009 Chapter E23 Riparian Land Management (Attachment 3) be adopted, and a notice be placed on Council’s website.

ITEM 3 - PUBLIC EXHIBITION - DRAFT PUBLIC ART STRATEGY 2022 - 2032

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 700)

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

- 1 Council endorse the Draft Public Art Strategy 2022-2032 for public exhibition from 1 to 29 August 2022 inclusive.
- 2 A further report be submitted to Council on the community feedback received, following the exhibition period.

ITEM 4 - ANIMAL IMPOUNDING SERVICE - JOINT PROCUREMENT

703 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Blakey seconded Councillor Cox that Council endorse an exemption from tendering requirements in accordance with s55(3)(i) of the *Local Government Act 1993* due to unavailability of competitive tenderers and commence direct negotiations with any person with the intent to entering a contract for the provision of an Animal Impounding Service. In conducting the negotiations, processes to ensure compliance with the newly introduced Section 64B of the Companion Animals Act should be discussed.

ITEM 5 - PROPOSED GRANT OF PIPELINE EASEMENTS AND CONSTRUCTION LICENCES OVER VARIOUS WOLLONGONG CITY COUNCIL PROPERTIES AND PUBLIC ROAD RESERVES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 700)

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

- 1 Council approves the grant of Pipeline Easements ten (10) metres wide in respect of the various Council properties and public road reserves, as outlined in the Land Schedule Table in this report.
- 2 Council accept payment in the amount of \$565,034 (plus GST if applicable) from Jemena as compensation payable for the grant of the Pipeline Easements over the various Council properties and public road reserves, as outlined in the Land Schedule Table in this report.
- 3 Council grant the necessary licences and road occupation approvals for those proposed construction licensed areas outlined in the Land Schedule Table in this report and accept the payment in the amount of \$458,304 (plus GST if applicable) from Jemena as annual construction rental for the various Council properties and road reserves occupied.
- 4 The applicant be responsible for all Council's reasonable costs incurred in respect of the proposed grant of easements and construction licences, including reimbursement of Council's valuation and legal costs in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 5 Council delegate authority to the General Manager to finalise negotiations in the proposed granting of pipeline easements and the entering into construction licences as contained in this report.
- 6 The General Manager be authorised to execute any documents to give effect to this resolution.
- 7 Approval be granted to affix the Common Seal of Council and/or delegation pursuant to Section 377 of the *Local Government Act 1993* for the required documents, including Plans and Section 88B Instruments/Transfer Granting Easements and any other documentation required to give effect to this resolution.

ITEM 6 - FLOODPLAIN RISK MANAGEMENT COMMITTEES AND WALKING CYCLING AND MOBILITY REFERENCE GROUP

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

- 1 Council adopt the draft Charter for the Floodplain Risk Management Committee.
- 2 Council adopt the draft Charter for the Walking, Cycling and Mobility Reference Group.
- 3 Three Councillor Representatives (with the Reference Group Charter to be amended to reflect this) be appointed to the Walking Cycling and Mobility Reference Group as listed below for the term of Council:
 - Cr David Brown (Chair)
 - Cr Dom Figliomeni
 - Cr Mithra Cox
- 4 Council seek nominations from NSW Government Agencies and Departments for the Floodplain Risk Management Committee and the Walking, Cycling and Mobility Reference Group as outlined in the respective Charters.

ITEM 7 - COUNCILLOR ATTENDANCE AT THE LOCAL GOVERNMENT NSW (LGNSW) ANNUAL CONFERENCE - 23 -25 OCTOBER 2022

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

- 1 The Lord Mayor, Deputy Lord Mayor and Councillors D Brown, A Martin, Kershaw, Blakey and Figliomeni be authorised as the voting delegates to attend the NSW Annual Conference and associated functions at the Hunter Valley from 23 to 25 October 2022.
- 2 Council delegate to the General Manager, authority to approve attendance of any additional Councillors requesting to attend the Conference, over and above the nominated voting delegates.

The Lord Mayor advised the meeting that six Councillors had nominated for the five Councillor voting delegate positions at the LGNSW Conference and handed proceedings over to the Returning Officer to conduct an election to determine the voting delegates.

The Returning Officer for the election (Manager Governance and Customer Service) advised the meeting that the nominations had been received from Councillors D Brown, A Martin, Kershaw, Blakey, Figliomeni and Aitken.

Following the election, the Returning Officer declared that Councillors D Brown, A Martin, Kershaw, Blakey and Figliomeni were elected as Council's voting delegates. It was noted Cr Walters will attend as a LGNSW Board Member and Cr Aitken can attend as a non-voting delegate.

ITEM 8 - TENDER T1000058 - HOOKA POINT FOOTBRIDGE AND JETTY REFURBISHMENT - SUSSEX STREET, BERKELEY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 700)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of Dynamic Civil Pty Ltd for the Hooka Point Footbridge and Jetty Refurbishment, in the sum of \$671,594 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 9 - TENDER T1000069 - WESTERN SUBURBS POOL, UNANDERRA - STAGE 1 ACCESSIBLE WATER PLAY FACILITY AND AMENITIES UPGRADE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 700)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin 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 Western Suburbs Pool Stage 1: Accessible Water Play and Amenities and resolve to enter into negotiations with suitably qualified parties 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 suitably qualified parties and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with one of those suitably qualified 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, with any suitably qualified party with a view to enter 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 10 - RETURNS OF DISCLOSURES OF PECUNIARY INTERESTS - JULY 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 700)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that Council note the tabling of the Returns of Disclosures of Interest as required by Part 4 of the Model Code of Conduct

THE MEETING CONCLUDED AT 6:52 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 8 August 2022.

Chairperson