



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 7 November 2022

Present

Lord Mayor (Acting) – Councillor Tania Brown (in the Chair)
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	Greg Doyle
Director Infrastructure + Works, Connectivity Assets + Liveable City	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
Chief Financial Officer	Brian Jenkins
Chief Information Officer (attended via audio-visual link)	Ingrid McAlpin
Manager Governance + Customer Service	Todd Hopwood
Manager City Strategy	Chris Stewart
Manager Project Delivery	Glenn Whittaker
Manager Open Space + Environmental Services	Paul Tracey
Manager Community Cultural + Economic Development	Sue Savage

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

Note: Council resolved on 17 October 2022 to grant the Lord Mayor Councillor Bradbery a leave of absence from 27 October to 9 November 2022.

Apologies

Min No.

747 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor A Martin that the apology tendered on behalf of Councillor John Dorahy be accepted.

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CLOSED SESSION

ITEM C1 CONFIDENTIAL: Domestic Waste Management T13/22 Collection Services Contract

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)(c) of the Local Government Act, 1993, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CONFLICTS OF INTERESTS

Councillor Cox declared a pecuniary conflict of interest in Items 1 – Post Exhibition – Former Corrimal Coke Works Site – Draft Planning Agreement and 2 – Draft Planning Proposal – Former Corrimal Coke Works Site – Foreshore Building Line Map Amendment, as she lives in close proximity to the site and as such it has the ability to affect property prices in her street. Councillor Cox advised she would depart the meeting during debate and voting on the items.

Councillor A Martin declared a non-significant, non-pecuniary interest in Item 1 – Post Exhibition - Former Corrimal Coke Works Site – draft Planning Agreement and 2 - Draft Planning Proposal – Former Corrimal Coke Works Site – Foreshore Building Line Map Amendment, due to her employment with the Department of Planning and Environment. As she does not work on planning matters related to the Wollongong LGA, Councillor A Martin advised she would remain in the meeting during debate and voting on the item.

Councillor A Martin declared a non-significant, non-pecuniary interest in Item 3 – Post exhibition – Animating Wollongong Public Art Strategy 2022-32, as she is a contemporary artist who has previously managed public art projects in Sydney and Western Sydney. She was also commissioned in 1998 by Wollongong City Council to make and install a temporary artwork to celebrate the 1988 10 year anniversary of the opening of the IPAC building and which was removed by IPAC some years ago. As she no longer works in that field, Councillor A Martin advised she would remain in the meeting during debate and voting on the item.

Councillor R Martin declared a non-significant, non-pecuniary interest in Item 5 – E1000255 - Illawarra Performing Arts Centre (IPAC) - Building Works - Outcome of Procurement Process due to his role as a board member of IPAC. Councillor R Martin advised he would remain in the meeting during debate and voting on the item.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 17 OCTOBER 2022

748 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, 17 October 2022 (a copy having been circulated to Councillors) be taken as read and confirmed.

PRESENTATION – 25 YEARS OF SERVICE – COUNCILLOR JANICE KERSHAW

The Lord Mayor (Acting) Councillor Tania Brown acknowledged the Outstanding Service Award, awarded to Councillor Janice Kershaw, in special recognition of 25 years of service in NSW local government.

PUBLIC ACCESS FORUM

ITEM	TITLE	NAME OF SPEAKER
9	Notice of Motion - Councillor Richard Martin - Traffic Concerns - Bulli Hospital Redevelopment	Colin McGuinness For Recommendation
9	Notice of Motion - Councillor Richard Martin - Traffic Concerns - Bulli Hospital Redevelopment	Neil Hinds Old Bulli Hospital Community Group For Recommendation

- 749 **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

- 750 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the staff recommendations for Items 5-8 inclusive be adopted as a block.

ITEM A - LORD MAYORAL MINUTE - FREEDOM OF ENTRY

- 751 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor D Brown that Wollongong City Council grant Freedom of Entry to *HMAS Wollongong* on Saturday 26 November 2022.

URGENT MATTER WITHOUT NOTICE

Councillor Figliomeni moved a PROCEDURAL MOTION that an Urgency Item be brought forward in relation to erosion at the Windang entrance to Lake Illawarra.

- 752 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Figliomeni seconded Councillor A Martin that Council, as a matter of urgency, consider Business Without Notice regarding the erosion at the Windang entrance to Lake Illawarra.

Following the Resolution of Council, the Lord Mayor (Acting), Councillor Tania Brown, 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.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor A Martin that the Urgency Item be considered after the ordinary reports to Council and prior to the Confidential Item.

DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor Cox departed the meeting at 6:22pm and was not present for the debate nor voting on Items 1 and 2. Councillor Cox returned to the meeting at 6:35 pm at the conclusion of Item 2.

ITEM 1 - POST EXHIBITION - FORMER CORRIMAL COKE WORKS SITE - DRAFT PLANNING AGREEMENT

- 753 **COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor D Brown seconded Councillor Figliomeni that The General Manager be delegated authority to finalise and execute the Planning Agreement (Attachment 1) between Wollongong City Council and LegPro70 Pty Ltd, as trustee for LegPro 70 Unit Trust, and Illawarra Coke Company Pty Ltd for the former Corrimal Coke Works site.

Councillors Kershaw, R Martin, D Brown, A Martin, Campbell, Aitken, Walters, Figliomeni and T Brown

In favour

Against

Councillors Blakey

ITEM 2 - DRAFT PLANNING PROPOSAL - FORMER CORRIMAL COKE WORKS SITE - FORESHORE BUILDING LINE MAP AMENDMENT

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

- 1 A draft Planning Proposal be prepared to amend the Foreshore Building Line Map for the former Corrimal Coke Works site, to reflect the site's adopted Master Plan 2021 and the planned realignment of North Corrimal Creek.
- 2 The draft Planning Proposal be forwarded to the Department of Planning and Environment seeking a Gateway Determination to enable public exhibition.
- 3 The draft Planning Proposal be exhibited for a minimum period of 14 days, or as specified in the Gateway Determination.
- 4 A post exhibition report be prepared for Council's consideration.
- 5 The NSW Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegations, in accordance with Council's resolution of 26 November 2012.
- 6 That Council notes the intention to place notifications on Planning Certificates issued in the development area advising potential landowners of:
 - a. the location of the Grey-headed Flying-fox Camp, and
 - b. any long-term Site Management Plan (SMP) required in association with any future proposed on-site encapsulation of contaminated material.

ITEM 3 - POST EXHIBITION - ANIMATING WOLLONGONG PUBLIC ART STRATEGY 2022-2032

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

- 1 Council adopt the Animating Wollongong Public Art Strategy 2022-2032 incorporating an amendment to Action 1.2.6, changing the word 'Champion' to 'Require' and an additional Action, 1.3.3, a provision or clause be included in the draft Wollongong City Centre DCP Chapter addressing requirements for Public Art as a medium term priority.
- 2 Council note the Animating Wollongong Public Art Strategy 2022-2032 Implementation Plan.
- 3 Council note the Animating Wollongong Public Art Strategy 2022-2032 Engagement Report.
- 4 The next update of the Wollongong DCP include consideration of a section that requires an arts plan on all future development over 5,000 square metres.

Variation The variation moved by Councillor A Martin (the addition of wording to Point 1 "Incorporating an amendment to Action 1.2.6, changing the word 'Champion' to 'Require' and an additional Action, 1.3.3, a provision or clause be included in the draft Wollongong City Centre DCP Chapter addressing requirements for Public Art as a medium term priority") was accepted by the mover and seconder.

ITEM 4 - PUBLIC EXHIBITION - TREE MANAGEMENT POLICY

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

- 1 The following proposed draft documents be placed on public exhibition for a minimum of 28 days and concurrently with the recently endorsed review of the Vegetation Chapters of the Wollongong Development Control Plan 2009:
 - a Tree Management Policy
 - b Managing trees in Wollongong – A customer guide
- 2 Following the exhibition period, a report outlining the submissions received during the exhibition period be prepared for Council to consider including any post exhibition revised amendment for adoption.

ITEM 5 - E1000255 - ILLAWARRA PERFORMING ARTS CENTRE (IPAC) - BUILDING WORKS - OUTCOME OF PROCUREMENT PROCESS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 750)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that Council receive the report on the procurement process followed and note the engagement of Project Coordination (Australia) Pty Ltd for IPAC refurbishment works, in the sum of \$3,843,400.00, including GST.

ITEM 6 - SEPTEMBER 2022 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 750)

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

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

ITEM 7 - STATEMENT OF INVESTMENT - SEPTEMBER 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 750)

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

ITEM 8 - TABLING OF RETURNS OF DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS - NOVEMBER 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 750)

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

ITEM 9 - NOTICE OF MOTION - COUNCILLOR RICHARD MARTIN - TRAFFIC CONCERNS - BULLI HOSPITAL REDEVELOPMENT

757 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor R Martin seconded Councillor Kershaw that Recognising that Landcom are in the process of developing the Old Bulli Hospital Site and noting that Councillors may not influence the Development Application process -

- 1 An Information Note be delivered to Councillors to enable them to update community members appropriately. The Information Note should include -
 - a Councils expectation around traffic and parking studies to be conducted to support a proposed Development Application for a significant redevelopment
 - b Existing Council traffic studies that have been conducted for the broader precinct around Bulli.

URGENCY ITEM – WINDANG EROSION

MOVED by Councillor Figliomeni seconded Councillor Aitken that Council -

- 1 Write to the Hon Kevin Anderson MP, Minister for Lands and Water and Minister for Hospitality and Racing, requesting that the Minister urgently instructs the Department to address the erosion caused by tidal currents, boat wash and other environmental factors at the Windang entrance to Lake Illawarra (opposite the Windang Caravan Park).
- 2 Request that funding is made available to replace at least one of the now derelict jetties.
- 3 Request that an area is provided to allow for the safe swimming of children.

758 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion (AMENDMENT) of Councillor A Martin seconded Councillor Campbell that immediate safety improvements are made to the foreshore park including securing appropriate fencing at the existing playground. Additionally officers investigate the potential relocation of the current children's playground on the northern foreshore; and that temporary safety fencing be replaced with permanent fencing as a budget priority on or before the next quarterly budget review.

Variation The variation moved by Councillor Blakey (the addition of wording 'This includes the Lake Illawarra Entrance Options Study' to point 2) was accepted by the mover and seconder.

Variation The variation moved by Councillor Campbell (the removal of Points 2 to 4 -

2. That Council officers continue to develop effective plans in conjunction with new minister the Hon Kevin Anderson MP, Minister for Lands and Water, and Paul Scully MP by both Council and State government agencies consistent with the Adopted Lake Illawarra Estuary Management Plan . The relocation and fencing in point 1 be undertaken to be completed prior to summer 2023;

3. That Council continue to work through the implementation plan and priorities of the 2021 State Government adopted and certified Lake Illawarra Estuary Management Plan. This includes the Lake Illawarra Entrance Options Study works planned and in engineering study stages to ameliorate and manage the scouring of the northern foreshore , the resultant deep and fast moving tidal flows on the Council owned foreshore and entrance to Lake Illawarra. Regular updates be provided to residents , including those in suburbs in Lake foreshore areas.

4. That Council provide Windang residents accurate background information outlining the actions that Council has agreed upon and including an onsite information stall with updated information on funds received , priorities for major works undertaken already and priorities for future projects planned.) was accepted by the mover and seconder.

A PROCEDURAL MOTION was MOVED by Councillor Walters that the AMENDMENT be PUT.

In favour Councillors Kershaw, R Martin, D Brown, Campbell, Aitken, Walters, Figliomeni

Against Councillors A Martin, Cox, Blakey and T Brown

Councillor A Martin's AMENDMENT on being PUT to the VOTE was CARRIED.

In favour Councillors D Brown, A Martin, Campbell, Cox, Blakey, T Brown

Against Councillors Kershaw, R Martin, Aitken, Walters, Figliomeni

The AMENDMENT then became the MOTION and on being PUT to the VOTE was CARRIED UNANIMOUSLY

DEPARTURE OF COUNCILLOR

During debate and prior to voting on the Urgency Item, Councillor R Martin departed and returned to the meeting, the time being from 7:12 pm to 7:13 pm.

During debate and prior to voting on Item 10, Councillor Cox departed and returned to the meeting, the time being from 7:23 pm to 7:24 pm.

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 –

- Domestic Waste Management procurement

Prior to putting the Motion to the vote, the Lord Mayor advised the meeting that Item C1 relates to a report to Council regarding domestic waste management procurement and that it is classified as Confidential for the following reason –

- a Section 10A(2) (c) of the Local Government Act 1993, permits the meeting to be closed to the public, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business.

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.

759 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Walters seconded Councillor Kershaw that –

- 1 The meeting move into Closed Session to consider a report to Council regarding –
 - a Domestic Waste Management T13/22 Collection Services Contract, in accordance with Section 10A(2) (c) of the Local Government Act 1993, permits the meeting to be closed to the public, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business.
- 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 7:55 pm.

ITEM C1 - DOMESTIC WASTE MANAGEMENT T13/22 COLLECTION SERVICES CONTRACT

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

- 1 In accordance with s55(3)(i) of the Local Government Act 1993 and due to extenuating circumstances relating to significant supply chain disruptions impacting waste collection service providers, that will impact on the ability to undertake a successful tender process, Council not invite tenders for Waste Collection Services
- 2 Council delegates authority to the General Manager to negotiate an extension to the current T13/22 contract via Deed of Agreement for a period of up to 2 years (1 year + 1 year)
- 3 Council endorses the proposal to undertake a subsequent joint tender for a waste collection services contract with Shellharbour City Council for the period commencing after the negotiated extension
- 4 Council endorses an application be made to the Australian Competition and Consumer Commission (ACCC) for approval to undertake a joint procurement for Waste collection services with Shellharbour City Council

761 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Walters seconded Councillor R Martin that the meeting move out of Closed Session and into Open Council.

Council resumed into Open Session at 7:59 pm.

OPEN COUNCIL SESSION

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 760).

THE MEETING CONCLUDED AT 8:00 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 28 November 2022.

Chairperson