



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 27 February 2023

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

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 Financial Officer

Manager Property + Recreation (Acting)

Manager City Strategy

Manager City Works

Manager Community Cultural + Economic Development

Land Use Planning Manager (attended via audio-visual link)

Greg Doyle

Joanne Page

Linda Davis

Renee Campbell

Kerry Hunt

Brian Jenkins

Jenny Towers

Chris Stewart

Roger Stewardson

Sue Savage

David Green

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.

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CONFLICTS OF INTERESTS

Councillor Linda Campbell declared a pecuniary conflict of interest in Item 4 – Post Exhibition – Draft Planning Proposal and Draft Site-Specific DCP Chapter – Former Port Kembla Public School Site, Military Road, Port Kembla, as she lives in close proximity to the site and as such it has the ability to affect property prices in her street. Councillor Campbell advised she would depart the meeting during the Public Access address debate and voting on this item.

Councillor Blakey declared a non-significant, non-pecuniary conflict of interest in Item 1 - Glenbernie Orchard, Darkes Forest – Agritourism, as she used to volunteer to pick apples at Glenbernie Orchard. Councillor Blakey advised that she would remain in the meeting during debate and voting on the item.

Councillor Figliomeni declared a pecuniary conflict of interest in Item 4 – Post Exhibition – Draft Planning Proposal and Draft Site-Specific DCP Chapter – Former Port Kembla Public School Site, Military Road, Port Kembla, as he lives in close proximity to the site and as such it has the ability to affect property prices in his street. Councillor Figliomeni advised he would depart the meeting during the Public Access address and debate and voting on this item.

Councillor Cox declared a non-significant, non-pecuniary conflict of Interest in Item 3, Post Exhibition – Housing Strategy, as many of the public submissions relate to an area near to her residence. Given that the strategy does not propose rezoning and is a high level strategic document, Councillor Cox advised that she would remain in the meeting during debate and voting on the items.

Councillor Cox declared a pecuniary conflict of Interest for the Public Access Item 3, Post Exhibition – Housing Strategy, as a zoning map (distributed by Public Access Speaker) includes her residence. Councillor Cox advised that she would depart the meeting during the Public Access address on this item.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 6 FEBRUARY 2023

789 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Aitken that the Minutes of the Ordinary Meeting of Council held on Monday, 6 February 2023 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM

ITEM NO	TITLE	NAME OF SPEAKER
1	Glenbernie Orchard, Darkes Forest – Agritourism Reforms	Jo-Anne Fahey Glenbernie Orchard Pty Ltd For Recommendation
1	Glenbernie Orchard, Darkes Forest – Agritourism Reforms	Terry Wetheraal TCW Consulting For Recommendation
3	Post Exhibition – Wollongong Housing Strategy	Layne O'Neill Haben Property Fund For Recommendation

3	Post Exhibition – Wollongong Housing Strategy	Cherylyn Fenton Corrimal Community Action Group Against Recommendation
4	Post Exhibition - Draft Planning Proposal and Draft Site-Specific DCP Chapter - Former Port Kembla Public School Site, Military Road, Port Kembla	Margie Jantti Against Recommendation
4	Post Exhibition - Draft Planning Proposal and Draft Site-Specific DCP Chapter - Former Port Kembla Public School Site, Military Road, Port Kembla	Lauren Turner MMJ Wollongong Against Recommendation

DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor Cox departed the meeting at 6:18 and was not present for the Public Access addresses on Item 3. Councillor Cox returned to the meeting at 6:27 at the conclusion of Item 3.

Due to a disclosed conflict of interest, Councillors Linda Campbell and Figliomeni departed the meeting at 6:27 and were not present for the Public Access addresses on Item 4. Councillors Campbell and Figliomeni returned to the meeting at 6:37 at the conclusion of Item 4.

790 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

791 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the staff recommendations for Items 5 to 9 inclusive be adopted as a block.

ITEM A - LORD MAYORAL MINUTE - EARTHQUAKE IN TURKIYE AND SYRIA

792 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Wollongong City Council -

- 1 Acknowledges the unfolding tragedy caused by the recent earthquakes in Turkiye and Syria. We acknowledge not only the loss of life and destruction of property, but its impact on our residents that have connections to Turkiye and Syria. Wollongong City Council expresses our sincere condolences for their loss and pain.
- 2 Through the Office of the Lord Mayor write to the Presidents of the appropriate Mosques and community groups expressing the above sentiments.

ITEM 1 - GLENBERNIE ORCHARD, DARKES FOREST - AGRITOURISM REFORMS

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

The Department of Planning and Environment be advised of Council's support for inclusion of the Glenbernie Orchard (259 – 311 Darkes Forest Road, Darkes Forest) in the Agritourism Reforms subject to –

- a The proponent undertaking a water quality study to meet Water NSW requirements,
- b Water NSW advising that the water quality study demonstrates the Neutral or Beneficial Effect (NorBE) standard is likely to be achieved for the current / proposed on-site activities, and
- c Any requirements and limitations on scale or type of use that Water NSW may recommend be included in the permissibility clause inserted in Schedule 1 Additional Permitted Uses of the Wollongong LEP 2009.

ITEM 2 - PUBLIC EXHIBITION - DRAFT PLANNING PROPOSAL REQUEST - 20 LAWRENCE HARGRAVE DRIVE STANWELL TOPS - PROPOSED ADDITIONAL USE - RECREATION FACILITY (OUTDOOR) - MINIATURE RAILWAY

MOVED by Councillor Cox seconded Councillor Bradbery that the item as printed not be progressed.

794 COUNCIL'S RESOLUTION – RESOLVED on the motion (FORESHADOWED) of Councillor Kershaw seconded Councillor Figliomeni that -

- 1 A draft Planning Proposal be prepared to amend Wollongong Local Plan for 20 Lawrence Hargrave Drive, Stanwell Tops (Lot 20 DP 260258 and Lot 24 DP 260258) to enable the following –
 - a Amend Schedule 1 Additional Permitted Uses of the Wollongong Local Environmental Plan 2009 to permit a Recreation Facility (Outdoor) – Miniature Railway on mapped areas of the site.
 - b Amend Wollongong Local Environmental Plan 2009, Additional Permitted Use mapping to show the proposed location of the Miniature Railway use.
- 2 The submitted draft Planning Proposal and supporting studies be updated by the applicant within a 3 month period, addressing -
 - a Detailed Site Investigation be submitted to identify any site contamination associated with historic agricultural uses.
 - b Revised concept plan focused on the miniature railway use be provided that identifies the impacts on native vegetation and biodiversity values. Additionally, all aspects associated with any proposed car park are to consider all impacts on adjoining land uses including C1 National Parks and Nature Reserve lands.
 - c Aboriginal cultural heritage assessment report required to fulfil the Ministerial Direction 2.3
 - d An updated Bush Fire Assessment
 - e An updated draft Planning Proposal request be submitted which addresses relevant objectives in the Illawarra Shoalhaven Regional Plan 2041
 - f Updated traffic counts including from at least one Sunday and/or holiday
 - g An updated traffic impact assessment with intersection modelling needs to be completed to support the proposed treatments.

- 3 Following the submission of all requested additional information, the draft Planning Proposal request be referred to the NSW Department of Planning and Environment for a Gateway Determination.
- 4 The draft Planning Proposal be exhibited for 28 days following a Gateway Approval
- 5 The NSW Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegation in accordance with Council's resolution of 26 November 2012.

Councillor Cox's MOTION on being PUT to VOTE was LOST.

In favour Councillors Cox, Blakey and Bradbery

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

Councillor Kershaw's FORESHADOWED MOTION on being PUT to VOTE was CARRIED.

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

Against Councillors Cox, Blakey and Bradbery

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 3 Councillor Cox departed and returned to the meeting, the time being from 7:39 pm to 7:40 pm.

ITEM 3 - POST EXHIBITION - WOLLONGONG HOUSING STRATEGY

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

- 1 The Wollongong Housing Strategy (as amended) be adopted (Attachment 3).
- 2 Point CW1 of the Housing Strategy be amended to read "Enable housing of the appropriate type in appropriate locations, with suitable landform, access to public transport, town centres and supporting infrastructure that is planned, costed and programmed within an achievable timeline."

Variation The variation moved by Councillor Blakey (the addition of Point 2) was accepted by the mover and seconder.

An AMENDMENT was MOVED by Councillor Cox seconded Councillor Blakey that -

- 1 the Wollongong Housing Strategy (as amended) be adopted (Attachment 3).
- 2 Point ARH6 of the Housing Strategy be amended to read "The percentage rate will increase by 3% each year to be 30% on 1 January 2033
- 3 Point CW1 of the Housing Strategy be amended to read "Enable housing of the appropriate type in appropriate locations, with suitable landform, access to public transport, town centres and supporting infrastructure that is planned, costed and programmed within an achievable timeline."

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

Councillor Cox's AMENDMENT on being PUT to the VOTE was LOST

In favour Councillors Cox and Blakey

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

Councillor D Brown's MOTION was then PUT to the VOTE and was CARRIED to become the RESOLUTION

In favour

Councillors T Brown, D Brown, R Martin, A Martin, Campbell, Cox and Blakey

Against

Councillors Kershaw, Aitken, Walters, Dorahy, Figliomeni and Bradbery

A PROCEDURAL MOTION was MOVED by Councillor T Brown seconded Councillor A Martin that Councillor Kershaw be granted an additional 1 minute to address the meeting in relation to Item 3.

A PROCEDURAL MOTION was MOVED by Councillor T Brown seconded Councillor Figliomeni that Councillor Walters be granted an additional 2 minutes to address the meeting in relation to Item 3.

A PROCEDURAL MOTION was MOVED by Councillor T Brown seconded Councillor A Martin that Councillor Blakey be granted an additional 1 minute to address the meeting in relation to Item 3.

DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillors Linda Campbell and Figliomeni departed the meeting at 8:25 and were not present for the debate nor voting on Item 4. Councillors Campbell and Figliomeni returned to the meeting at 8:50 at the conclusion of Item 4.

During debate and prior to voting on Item 4 Councillor D Brown departed and returned to the meeting, the time being from 8:25 pm to 8:27 pm.

ITEM 4 - POST EXHIBITION - DRAFT PLANNING PROPOSAL AND DRAFT SITE-SPECIFIC DCP CHAPTER - FORMER PORT KEMBLA PUBLIC SCHOOL SITE, MILITARY ROAD, PORT KEMBLA

796 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor A Martin seconded Councillor T Brown that -

- 1 The draft Planning Proposal for Lot 1 DP811699 Military Road Port Kembla, known as the former Port Kembla Public School site, be progressed to finalisation, to enable residential development as follows –
 - a Rezone the site from B4 Mixed Use to part R3 Medium Density Residential and part RE2 Private Recreation, with the amended boundaries proposed by this report.
 - b Amend the Height of Buildings Map from 9 metres for the entire site to part 11 metres and part 9 metres.
 - c Update the Schedule 5 Heritage listing to refer to the site as "Site of former Port Kembla Public School".
 - d Delete clause 7.17 Former Port Kembla School – which enabled the now demolished school building to be used for tourist and visitor accommodation.
 - e Amend the LEP Key Site Map to identify the site as a Key Site under Clause 7.18 Design Excellence.
 - f No amendment be made to the Floor Space Ratio Map (0.5:1), Minimum Lot Size map (1999m²), Acid Sulfate Soils Map.
- 2 Wollongong Development Control Plan chapter D20 Former Port Kembla School site be adopted as a site-specific DCP Chapter to guide future development on the site.
- 3 A separate report be submitted to Council on the proposed draft Planning Agreement containing provision of at least 5% Affordable Rental Housing within the development.

- 4 A notation be included on Section 10.7 Planning Certificates for the site so it is clear for future owners/occupiers that they may be subject to Port/Industrial noise and other amenity impacts, and to advise of the location of any on site containment of contamination.

An AMENDMENT was MOVED by Councillor Cox seconded Councillor Blakey that -

- 1 The draft Planning Proposal for Lot 1 DP811699 Military Road Port Kembla, known as the former Port Kembla Public School site, be progressed to finalisation, to enable residential development as follows –
 - a Rezone the site from B4 Mixed Use to part R3 Medium Density Residential and part RE2 Private Recreation, with the amended boundaries proposed by this report.
 - b Amend the Height of Buildings Map from 9 metres for the entire site to part 11 metres and part 9 metres.
 - c Update the Schedule 5 Heritage listing to refer to the site as “Site of former Port Kembla Public School”.
 - d Delete clause 7.17 Former Port Kembla School – which enabled the now demolished school building to be used for tourist and visitor accommodation.
 - e Amend the LEP Key Site Map to identify the site as a Key Site under Clause 7.18 Design Excellence.
 - f No amendment be made to the Floor Space Ratio Map (0.5:1), Minimum Lot Size map (1999m²), Acid Sulfate Soils Map.
- 2 Wollongong Development Control Plan chapter D20 Former Port Kembla School site be adopted as a site-specific DCP Chapter to guide future development on the site.
- 3 A separate report be submitted to Council on the proposed draft Planning Agreement containing provision of 10% Affordable Rental Housing within the development.
- 4 A notation be included on Section 10.7 Planning Certificates for the site so it is clear for future owners/occupiers that they may be subject to Port/Industrial noise and other amenity impacts, and to advise of the location of any on site containment of contamination.

Councillor Cox’s AMENDMENT on being PUT to the VOTE was LOST.

In favour Councillors Cox and Blakey

Against Councillors Kershaw, R Martin, D Brown, T Brown, A Martin, Aitken, Walters, Dorahy and Bradbery

Councillor Martin’s MOTION was then PUT to the VOTE and was CARRIED UNANIMOUSLY to become the RESOLUTION.

A PROCEDURAL MOTION was MOVED by Councillor R Martin seconded Councillor Kershaw that Councillor A Martin be granted an additional 2 minutes to address the meeting in relation to Item 4.

ITEM 5 - DRAFT QUARTERLY REVIEW STATEMENT DECEMBER 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 791)

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

- 1 The draft Quarterly Review Statement December 2022 be adopted.
- 2 The Budget Review Statement as at December 2022 be adopted and revised totals of income and expenditure be approved and voted.

ITEM 6 - APPROVAL FOR COUNCILLOR TRAVEL - COUNCILLOR CATH BLAKEY - PROFESSIONAL DEVELOPMENT OPPORTUNITY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 791)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that Council approve the travel costs of Councillor Blakey to attend a Professional Development opportunity at the University of Melbourne in May 2023.

ITEM 7 - TENDER T1000079 - HIRE OF PLANT AND EQUIPMENT SERVICES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 791)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accepts the successful tenders as identified in tables 1- 23, 25 and 27-28 in this report for the Hire of Plant and Equipment Services as per Tender T1000079, for the rates as set out in each tenderer's Form of Tender.
- 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 T1000084 - LINEMARKING SERVICES - PRIMARY SUPPLIER

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 791)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tenders shown in Table 1 for the provision of Line marking Services, with Primary and Secondary Suppliers, for an initial two (2) year contract term, with options to extend for periods of 3 x 1 year, at the sole discretion of Council.
- 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 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF MEETING HELD 14 FEBRUARY 2023

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 791)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that in accordance with the delegated authority to Council, the Minutes and Recommendations of the Wollongong Traffic Committee held on 14 February 2023 in relation to regulation of Traffic as outlined within this report, be adopted.

ITEM 10 - NOTICE OF MOTION - COUNCILLOR CATH BLAKEY - GARIE BEACH SHARK NET REMOVAL

MOVED by Councillor Blakey seconded Councillor Cox that Council -

- 1 Write to the NSW Minister and Shadow Minister for Agriculture requesting –
 - a The shark net at Garie Beach be removed immediately as the beach is not accessible to ocean users due to extensive damage to Garie Road.
 - b Shark nets be permanently removed from Wollongong's Local Government Area (LGA) in 2023 and replaced with modern shark mitigation measures that effectively protect beach users without damaging marine wildlife, as laid out in attachment A.
- 2 Write to the NSW Minister for Environment and Heritage and Opposition spokesperson, requesting the Joint Management Agreement which governs the shark meshing program be terminated as it is not meeting its objectives to reduce the risk of a shark interaction and minimise the impact to threatened and non-target species, as laid out in attachment B.

Cr Kershaw raised a Point of Order that the Notice of Motion was redundant due to Council previously considering the issue of Shark Management at the meeting held on 19 April 2021. The Lord Mayor ruled Councillor Blakey's Notice of Motion out-of-order.

MOTION OF DISSENT

Councillor Blakey MOVED a MOTION OF DISSENT seconded Councillor Cox from the Lord Mayor's ruling as the Notice of Motion includes a previously undiscussed Joint Management Agreement. The MOTION OF DISSENT on being PUT to the VOTE was LOST.

In favour
Against

Councillors Cox and Blakey
Councillors Kershaw, R Martin, T Brown, D Brown, A Martin, Campbell, Aitken, Walters, Dorahy, Figliomeni and Bradbery

THE MEETING CONCLUDED AT 8:55

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 20 March 2023.

Chairperson