

MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 PM

Monday 16 December 2024

Present

Lord Mayor – Councillor Tania Brown (Attended via audio-visual link)	
Deputy Lord Mayor – Councillor Linda Campbell (in the Chair)	
Councillor Andrew Anthony	Councillor Ryan Morris
Councillor David Brown	Councillor Tiana Myers
Councillor Kit Docker	Councillor Thomas Quinn
Councillor Dan Hayes	Councillor Deidre Stuart
Councillor Ann Martin	Councillor Jess Whittaker
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 (Acting)	Elise Woods
Chief Digital + Information Officer	Ingrid McAlpin
Manager City Strategy	Chris Stewart
Manager City Works (Attended via audio-visual link)	Roger Stewardson
Manager Commercial Operations + Property	Lani Richardson
Manager Community Culture + Engagement	Sue Savage
Manager Customer + Business Integrity	Todd Hopwood
Manager Infrastructure Strategy + Planning	Nathan McBriarty
Manager Libraries + Community Services	Sarah Taylor
Manager Project Delivery (Acting)	Jeremy Morgan
Manager Regulation + Enforcement	Corey Stoneham
Manager Sport + Recreation (Acting)	Simon Mullard
Senior Manager People + Culture	Renee Whiteside

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: In accordance with the Code of Meeting Practice a request by the Lord Mayor, Councillor Tania Brown, to attend the 16 December Council Meeting by audio-visual link was approved by the General Manger. The Deputy Lord Mayor, Councillor Linda Campbell, chaired the Meeting.

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CONFLICTS OF INTERESTS

Councillor Dan Hayes declared a non-significant, non-pecuniary conflict of interest in Item A – Lord Mayoral Minute – Residential Aged Care, as he is employed by UOW which is involved at some level with plans for aged care. As he is not involved in this project in any way Councillor Hayes advised that he would remain in the meeting during debate and voting on the item.

Councillor Thomas Quinn declared a non-significant, non-pecuniary conflict of interest in Item A – Lord Mayoral Minute – Residential Aged Care, as he is employed by UOW which is involved at some level with plans for aged care. As he is not involved in this project in any way Councillor Quinn advised that he would remain in the meeting during debate and voting on the item.

PETITIONS

Councillor Whittaker tabled a petition from 457 residents regarding – “Create Shade for Illawarra Playgrounds” relating particularly to Bulli and Woonona playgrounds.

Councillor Whittaker tabled a petition from 153 residents regarding – “Let’s get the kids of Otford a playground”.

Councillor Ann Martin tabled a request from Werner and Robyn Pardy regarding – A request for a memorial or similar at Berkeley Swimming Pool in recognition of Mrs Brunhilde Renate Ingeburg Pardy’s long contribution to the people of Berkeley and to the running of the pool.

PRESENTATIONS

The Lord Mayor, Councillor Tania Brown, presented a trophy awarded to Wollongong City Council and Destination Wollongong for hosting the 2024 Australian Junior Surfing Titles competition in Woonona.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 25 NOVEMBER 2024

1029 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Docker that the Minutes of the Ordinary Meeting of Council held on Monday, 25 November 2024 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM

ITEM NO	TITLE	NAME OF SPEAKER
1	PUBLIC EXHIBITION – DRAFT WOLLONGONG DCP CHAPTER A2 ECOLOGICALLY SUSTAINABLE DEVELOPMENT	PROFESSOR ROWENA IVERS FOR RECOMMENDATION
1	PUBLIC EXHIBITION – DRAFT WOLLONGONG DCP CHAPTER A2 ECOLOGICALLY SUSTAINABLE DEVELOPMENT	JOSHUA SCHARFEGGER FOR RECOMMENDATION
2	TRIAL OF SCHOOL HOLIDAY VOUCHER PROGRAM – DAPTO AND CORRIMAL SWIMMING POOLS	PETER RAFFERTY FOR RECOMMENDATION
NON-AGENDA ITEM	ISSUES REGARDING THE PEOPLE OF WOLLONGONG INCLUDING CITY DEVELOPMENT AND THE FUTURE OF GREEN ENERGY	DAVID GRAHAM

- 1030 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Docker that all speakers be thanked for their presentation and invited to table their notes.

CALL OF THE AGENDA

- 1031 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Docker that the staff recommendations for Items 3 to 10 inclusive be adopted as a block.

ITEM A - LORD MAYORAL MINUTE - RESIDENTIAL AGED CARE

- 1032 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Campbell that Wollongong City Council request the assistance of the Illawarra Shoalhaven Joint Organisation in advocating for the NSW Government to consider introducing a bonus scheme to incentivise investment in residential aged care.

ITEM 1 - PUBLIC EXHIBITION - DRAFT WOLLONGONG DCP CHAPTER A2 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- 1033 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Hayes that-

- 1 The formal legal definition of, and the principles and programs of, ecologically sustainable development (ESD) that exists in the current Wollongong Development Control Plan Chapter A2 Ecologically Sustainable Development Introduction, be incorporated again in the Introduction in the Draft Wollongong Development Control Plan 2009 – Chapter A2: Ecologically Sustainable Development (prior to exhibition).
- 2 The Draft Wollongong Development Control Plan 2009 – Chapter A2: Ecologically Sustainable Development be exhibited for a minimum of 28 days commencing in early 2025.
- 3 Following the exhibition period, a report outlining the submissions received from the public exhibition process be prepared for Council's consideration.
- 4 The General Manager write to relevant State Government Ministers seeking -
 - a an expansion of its consideration of ESD to include indoor and outdoor air quality, urban heat, health and social equity objectives and specific provisions in relevant State planning instruments, and
 - b to clarify its position in relation to banning the use of gas where other alternatives such as electricity are available

Variation The variation moved by Councillor Stuart (the addition of a new Point 1 and the addition of wording "indoor & outdoor air quality" at Point 3a) was accepted by the mover and seconder.

An AMENDMENT was MOVED by Councillor Stuart seconded Councillor Docker that –

- 1 The formal legal definition of, and the principles and programs of, ecologically sustainable development (ESD) that exists in the current Wollongong Development Control Plan Chapter A2 Ecologically Sustainable Development Introduction, be incorporated again in the Introduction in the Draft Wollongong Development Control Plan 2009 – Chapter A2: Ecologically Sustainable Development (prior to exhibition).
- 2 The Draft Wollongong Development Control Plan 2009 – Chapter A2: Ecologically Sustainable Development be exhibited for a minimum of 28 days commencing in early 2025.
- 3 Council include a question in the public consultation documentation asking the community whether it supports or opposes gas connections in new residential/commercial developments, given the mounting evidence of health impacts associated with gas use, and costs associated with connecting and using gas (and with

disconnecting from gas).

- 4 Council include a question in the public consultation documentation asking the community whether it supports or opposes a ban on wood-fire heaters in new residential developments, in non-rural zoned properties, given the health and amenity impacts from reduced air quality caused by wood smoke pollution on households and neighbours.
- 5 Following the exhibition period, a report outlining the submissions received from the public exhibition process be prepared for Council's consideration.
- 6 The General Manager writes to relevant State Government Ministers seeking:
 - An expansion of its consideration of ESD to include indoor & outdoor air quality, urban heat, health and social equity objectives and specific provisions in relevant State planning instruments, and
 - Support for a ban on the connection to reticulated gas and the use of gas in new residential/commercial buildings, where other alternatives such as electricity are available.
 - Support for a ban on wood fire heater systems in new residential buildings, in non-rural zoned properties.
- 7 Council notes that legal advice provided by the Environmental Defenders Office says that council-led gas bans, to protect occupants/workers' health and to reduce costs, via Development Control Plans are compliant with relevant state planning policies including the Sustainable Buildings State Environment Planning Policy (SEPP) and the BASIX rating tool.
- 8 Council seeks its own legal advice clarifying the legality of a gas ban provision (as suggested at point 3 above) within Development Control Plans.
- 9 Council seeks its own legal advice clarifying the legality of a wood fire heater ban provision (as suggested at point 4 above) within Development Control Plans.
- 10 The General Manager writes to the President and Board of Local Government NSW proposing a motion that LG NSW advocates to the NSW Government for:
 - An expansion of its consideration of ESD to include indoor & outdoor air quality, urban heat, health and social equity objectives and specific provisions in relevant State planning instruments, and
 - Support for a ban on the connection to reticulated gas and the use of gas in new residential/commercial buildings, where other alternatives such as electricity are available.
 - Support for a ban on wood fire heater systems in new residential buildings, in non-rural zoned properties.

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

In favour Councillors Anthony, Whittaker, Stuart and Docker

Against Councillors Hayes, R Martin, D Brown, Quinn, Myers, A Martin, Morris, Campbell and T Brown

ITEM 2 - TRIAL OF SCHOOL HOLIDAY VOUCHER PROGRAM - DAPTO & CORRIMAL SWIMMING POOLS

1034 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor A Martin seconded Councillor Hayes that Council -

- 1 Adopt Option D – implementing a digital voucher system at Dapto and Corrimal swimming pools at the beginning of the NSW School Holidays for Corrimal pool (commencing from Monday, 23 December 2024) and upon the reinstatement of entry fees at Dapto Memorial Swimming Pool from Monday, 6 January 2025).
- 2 Consider in the review of the trial an expansion of the trial to include people of all ages from a refugee background for future schemes

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

ITEM 3 - POST EXHIBITION: COUNCILLOR EXPENSES, SUPPORT AND FACILITIES POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 1031)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Docker that the updated Councillor Expenses, Support and Facilities Policy be adopted.

ITEM 4 - POLICY REVIEW - DRAFT COMMUNITY ENGAGEMENT STRATEGY COUNCIL POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 1031)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Docker that Council endorse the Draft Community Engagement Strategy Council Policy for adoption

ITEM 5 - ACQUISITION OF LOT 1 DP 667974 BEING PART STANWELL TOPS WAR MEMORIAL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 1031)

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

- 1 Council acquire Lot 1 DP 667974, Stanwell Tops, to enable the land to be used as passive open space and as an extension to the existing Stanwell Tops War Memorial.
- 2 Council Officers be authorised to submit an Application to Transfer for Nil Consideration to the Australian Securities and Investment Commission (ASIC).
- 3 Upon acquisition, the land be dedicated as Community Land for the purposes of extending the existing Stanwell Tops War Memorial.
- 4 The General Manager be granted authority to sign any and all documents required, and affix the common seal of council, where necessary, to the transfer documents and any other documentation required to give effect to the resolution.

ITEM 6 - ACQUISITION OF LOT 6 DP 242135 BEING LOT 6 OTFORD ROAD, OTFORD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 1031)

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

- 1 Council acquire Lot 6 DP 242135 at Otford Road, Otford as the land is required for passive open space land as per the land reservation acquisition map in the Wollongong Local Environment Plan 2009.
- 2 Council be responsible for the landowners' reasonable legal costs associated with the sale at an agreed capped amount.
- 3 Authority be granted to the General Manager to execute any documentation necessary to finalise the acquisition and to affix the Common Seal of Council where necessary.
- 4 Upon acquisition the land becomes classified as Community Land.

ITEM 7 - ACQUISITION OF LOT 8 DP 242135 BEING LOT 8 OTFORD ROAD, OTFORD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 1031)

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

- 1 Council acquire Lot 8 DP 242135 at Otford Road, Otford as the land is required for passive open space land as per the land reservation acquisition map in the Wollongong Local Environment Plan 2009.
- 2 Council be responsible for the landowners' reasonable legal costs associated with the sale at an agreed capped amount.
- 3 Authority be granted to the General Manager to execute any documentation necessary to finalise the acquisition and to affix the Common Seal of Council where necessary.
- 4 Upon acquisition the becomes classified as Community Land.

ITEM 8 - GRANT OF EASEMENT OVER COUNCIL COMMUNITY LAND AT LOT 7 DP 227650 KNOWN AS GORRELL PARK, MANGERTON

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 1031)

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

- 1 Pursuant to section 46 (1) (a1) of the Local Government Act 1993, Council resolves to grant an easement to drain water 1.0m wide over Council land known as Lot 7 in DP 227950, Gorrell Park, in favour of Lots 18 and 19 in DP 227950, 11-13 St Johns Avenue, Mangerton, as shown crosshatched on the attachment to this report.
- 2 The applicant will be responsible for compensation to Council for the grant of the easement in accordance with the amount assessed by an independent certified valuer.
- 3 The applicant be responsible for all costs relating to the easement including valuation, survey, plan registration and legal costs, and any other costs incurred in this matter.
- 4 Approval be granted to affix the Common Seal of Council and/or delegation pursuant to section 377 of the Local Government Act 1993 to the survey plan, Section 88B Instrument and any other documentation required to give effect to this resolution.
- 5 The General Manager be authorised to execute any documents to give effect to this resolution.

ITEM 9 - EXTINGUISHMENT OF EXISTING EASEMENT FOR TRANSMISSION LINE AND GRANT OF EASEMENT FOR UNDERGROUND CABLES OVER COUNCIL COMMUNITY LAND AT LAKESIDE DRIVE RESERVE, KOONAWARRA BEING LOT 143 DP 573617

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 1031)

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

- 1 Council authorises the extinguishment of an easement for transmission lines over Council land known as Lot 143 DP 573617, Lakeside Drive Reserve, Koonawarra, as shown crosshatched on the attachment to this report.
- 2 Pursuant to Section 46 (1) (a) of the *Local Government Act 1993*, Council authorises the grant of an easement for underground cables over Lot 143 DP 573617, Lakeside Drive Reserve, Koonawarra, as shown crosshatched on the attachment to this report, subject to statutory notification requirements being met in accordance with Section 47 of the *Local Government Act 1993*.
- 3 The applicant be responsible for all costs related to the easement extinguishment and the easement grant including but not limited to valuation, survey, plan registration and legal costs.
- 4 Authority be granted to affix the Common Seal of Council and/or delegation pursuant to Section 377 of the *Local Government Act 1993* to the survey plan, Section 88B Instrument and any other documentation required to give effect to this resolution.
- 5 The General Manager be authorised to sign any documentation necessary to complete the above matters.

ITEM 10 - TENDER T1000160 - LEASE OF BULLI BEACH CAFE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 1031)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of The Trustee for Birloom Unit Trust T/as Bulli Beach Café, ABN (26 199 680 073) for the new lease agreement as per tender T1000160 for Bulli Beach Café.
- 2 The lease be awarded for an initial term of Five (5) years, with two options to extend of five years each.
- 3 Council delegate to the General Manager the authority to finalise and execute the lease agreement 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 lease and any other documentation, should it be required, to give effect to this resolution.

ITEM 11 - QUESTION WITH NOTICE - SPECIAL ENTERTAINMENT GRANTS

- 1035** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Quinn that Council note the staff answer to the Question with Notice.

THE MEETING CONCLUDED AT 7:34 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 3 February 2025.

Chairperson