



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 20 March 2023

Present

Lord Mayor – Councillor Gordon Bradbery AM (in the Chair)

Deputy Lord Mayor – Councillor Tania Brown

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 Governance + Customer Service

Manager Property + Recreation

Manager City Strategy

Manager Project Delivery

Manager Development Assessment and Certification (attended via audio-visual link)

Manager Open Space + Environmental Services (attended via audio-visual link)

Manager Community Cultural + Economic Development

Environmental Strategy Officer

Greg Doyle

Joanne Page

Linda Davis

Renee Campbell

Kerry Hunt

Brian Jenkins

Todd Hopwood

Lucielle Power

Chris Stewart

Glenn Whittaker

Mark Adamson

Paul Tracey

Sue Savage

Amanda Schipp

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.

Apologies

Min No.

797 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the apology tendered on behalf of Councillor Ann Martin be accepted and a leave of absence be granted.

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CONFLICTS OF INTERESTS

Councillor Mithra Cox declared a non-significant, non-pecuniary interest in Item 5 – Post Exhibition – Sportsgrounds and Sporting Facilities Strategy 2023-2027 as she and her partner both play for the Figtree Football Club and her children also play for South Coast Flame. Councillor Cox advised she would remain in the meeting during debate and voting on the item.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 27 FEBRUARY 2023

798 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 February 2023 (a copy having been circulated to Councillors) be taken as read and confirmed with -

- 1 Corrections to Minute 794, Agenda Item 2, page 6 of the Business Papers by the removal of "Councillor Kershaw's FORESHADOWED MOTION then became the MOTION and on being PUT to VOTE was CARRIED".
- 2 Amendment of spelling errors in document.

PUBLIC ACCESS FORUM

ITEM NO	TITLE	NAME OF SPEAKER
3	POST EXHIBITION – DRAFT STUART PARK MASTER PLAN	TYRONE KING – WOLLONGONG WORKOUT PARK PROJECT FOR RECOMMENDATION
3	POST EXHIBITION – DRAFT STUART PARK MASTER PLAN	PHILIP LAIRD AGAINST RECOMMENDATION

799 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.

PRESENTATIONS

Councillor Tania Brown presented the certificate of appreciation which accepted on behalf of Wollongong City Council from the International Women's Day Illawarra Committee, received in appreciation of support from Wollongong City Council at the International Women's Day lunch.

PETITION – WASHROOM FACILITIES WENTWORTH STREET PORT KEMBLA

Councillor Figliomeni noted receipt a petition from the Port Kembla Chamber of Commerce signed by 287 residents requesting the provision of wash room facilities on Wentworth Street Port Kembla. Councillor Figliomeni advised that the petition would be provided to staff the day after the meeting.

CALL OF THE AGENDA

800 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the staff recommendations for Items 2, 4 and 6 then 8 to 11 inclusive be adopted as a block.

ITEM 1 - DRAFT WOLLONGONG COASTAL MANAGEMENT PROGRAM SCOPING STUDY

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

- 1 The draft Wollongong Coastal Management Program Scoping Study be endorsed by Council.
- 2 Council endorse progressing to Stage 2 of the CMP framework, including the recommended technical studies outlined in this report.
- 3 Council endorse AR6 SSP5-8.5 Sea Level Rise Projection Values, for use in modelling of coastal hazards in Stage 2 of the CMP process (modelling a sea level rise range for each time horizon).

A PROCEDURAL MOTION was MOVED by Councillor Figliomeni seconded Councillor Walters that Councillor Dorahy be granted an additional 1 minute to address the meeting in relation to Item 1.

ITEM 2 - PUBLIC EXHIBITION - DRAFT PLANNING PROPOSAL - MIALA HOUSE AND DAIRY COMPLEX - 410 MARSHALL MOUNT ROAD, MARSHALL MOUNT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 799)

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 Wollongong Local Environmental Plan 2009 by:
 - a adding 'Miala' House and Dairy Complex including fig tree*, 410 Marshall Mount Road, Marshall Mount to the Heritage Schedule and Heritage Map, as a local heritage item.
 - b amending the Minimum Lot Size Map to increase the minimum lot size of the proposed heritage curtilage from 449m² to 4999m².
- 2 The draft Planning Proposal be forwarded to the NSW Department of Planning and Environment for a Gateway Determination to enable exhibition.
- 3 Following Gateway Determination, the draft Planning Proposal be exhibited for a minimum period of 28 days.
- 4 Following the exhibition period, a report on submissions be prepared for Council's consideration.
- 5 The NSW Department of Planning and Environment be advised that Council wishes to use its delegations to finalise the draft Planning Proposal.

ITEM 3 - POST EXHIBITION - DRAFT STUART PARK MASTER PLAN

802 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Walters that -

- 1 The Stuart Park and JP Galvin Park Landscape Master Plan be adopted.
- 2 The draft Implementation Plan be noted.
- 3 That a future site be identified in the broader Blue Mile area and surrounds for a half-court basketball court and workout park to enable grant opportunities to be pursued.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 3, Councillor Walters departed and returned to the meeting, the time being from 6:54 pm to 6:56 pm.

ITEM 4 - POST EXHIBITION - PLANNING AGREEMENTS POLICY REVIEW (2023)

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 799)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the Planning Agreements Policy (2023) be adopted.

ITEM 5 - POST EXHIBITION - SPORTSGROUNDS AND SPORTING FACILITIES STRATEGY 2023-2027

803 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Cox seconded Councillor Kershaw that the item be deferred and a report come back to Council with a priority list for unfunded sports field infrastructure and responses to issues raised during community consultation.

ITEM 6 - POST EXHIBITION - WOLLONGONG RETAIL AND BUSINESS CENTRES STRATEGY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 799)

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

- 1 The Wollongong Retail and Business Centres Strategy (as amended) be adopted (Attachment 2).
- 2 The Wollongong Retail and Business Centres Strategy and Wollongong Housing Strategy (adopted 27 February 2023) be sent to the Secretary of the NSW Department of Planning and Environment for endorsement as endorsed strategies.

ITEM 7 - POLICY REVIEW - WOLLONGONG MEMORIAL GARDENS & CEMETERIES

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

- 1 Council endorses the revised Wollongong Memorial Gardens and Cemeteries Policy.
- 2 An additional point be added to the 'Provisions' section of the Policy on page 2 "That a variety of interment options, including natural burials, where appropriate, are available for the community".

ITEM 8 - PROPOSED ACQUISITION OF PART LOT 99 DP 1269057 - PART WEST DAPTO ZONE SUBSTATION SITE - WEST DAPTO ROAD KEMBLA GRANGE FOR ROAD WIDENING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 799)

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

- 1 Council acquires by authority contained within Section 177 of the Roads Act 1993 Proposed Lot 98 for road widening purposes, being Part Lot 99 DP 1269057 comprising an area of approximately 392 m² (subject to final survey and Plan of Acquisition).

- 2 Compensation be paid to the owner in the amount of \$112,112.00 (GST exclusive).
- 3 In the event agreement to acquire cannot be reached, Council acquire Proposed Lot 98 by authority contained within Section 177 of the *Roads Act 1993* via compulsory process pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991* for the purpose of road widening.
- 4 Council be responsible for all costs including valuation, survey, transfer and legal costs associated with the acquisition of the subject land, in accordance with its obligations under the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 5 This acquisition is not for the purpose of resale.
- 6 The necessary applications relating to the compulsory acquisition, if required, including compensation determination be made to the Minister for Local Government and the Governor.
- 7 Upon acquisition, Council dedicate Proposed Lot 98 as road, pursuant to Section 10 of the *Roads Act 1993*.
- 8 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.
- 9 The General Manager be granted authority to sign any documentation to give effect to this resolution.

ITEM 9 - TENDER T1000067 - BELLAMBI GULLY FLOOD MITIGATION SCHEME (ADJACENT TO GLADSTONE STREET BELLAMBI)

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 799)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters 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 the Bellambi Gully Flood Mitigation Scheme and resolve to enter into negotiations 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 the highest ranking tenderer or the subsequent ranking 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 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 10 - JANUARY 2023 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 799)

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 January 2023.

ITEM 11 - STATEMENT OF INVESTMENT - JANUARY 2023

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 799)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that Council receive the Statement of Investment for January 2023.

ITEM 12 - NOTICE OF MOTION - COUNCILLOR CATH BLAKEY - CBD VENUE CLOSING TIMES

805 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Blakey seconded Councillor Cox that consistency of night-time trading opportunities across venues be included in the Briefing when the Wollongong CBD Night Time Economy Policy is reviewed.

Variation The variation moved by Councillor D Brown (the addition of 'or Information Note') was accepted by the mover and seconder.

Variation The variation moved by Councillor Kershaw (the Motion read "That the consistency of night-time trading opportunities across venues be included in the Briefing when the Wollongong CBD Night Time Economy Policy is reviewed.") was accepted by the mover and seconder.

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

Against Councillor Campbell

THE MEETING CONCLUDED AT 7:46 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 3 April 2023.

Chairperson