



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 4 April 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

Councillor Richard Martin

In Attendance

General Manager

Director Infrastructure + Works, Connectivity Assets + Liveable City (Acting)

Director Planning + Environment, Future City + Neighbourhoods

Director Corporate Services, Connected + Engaged City

Director Community Services, Creative + Innovative City

Chief Financial Officer

Chief Information Officer (Attended electronically)

Manager Governance + Customer Service

Manager Property + Recreation (Attended electronically)

Manager City Strategy

Manager Project Delivery (Attended electronically)

Manager Community Cultural + Economic Development

Manager Infrastructure Strategy + Planning (Acting) (Attended electronically)

Greg Doyle

Paul Tracey

Linda Davis

Renee Campbell

Kerry Hunt

Brian Jenkins

Ingrid McAlpin

Todd Hopwood

Lucielle Power

Chris Stewart

Glenn Whittaker

Sue Savage

Chris O'Connor

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CONFLICTS OF INTERESTS

Councillor Figliomeni declared a non-significant non-pecuniary conflict of interest in Item 4 – Tender T1000044 – Banking Services, as he has shares in CBA and NAB. As there is no pecuniary interest in the item, Councillor Figliomeni advised he would remain in the meeting during debate and voting.

Councillor Walters declared a non-significant non-pecuniary conflict of interest in Item 2 – Public Exhibition – Draft Neighbourhood Plan for “Elm Park” Precinct, Marshall Mount Road, Marshall Mount and Avondale, as his employer is mentioned as owning land adjacent to the proposal. Councillor Walters advised he would remain in the meeting during debate and voting.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 14 MARCH 2022

644 **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, 14 March 2022 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM

ITEM	TITLE	NAME OF SPEAKER
1	Post Exhibition – Draft Neighbourhood Plan and Biodiversity Certification Application for Huntley South (Stages 2 and 3)	Lauren Turner MMJ Wollongong Against Recommendation
2	Public Exhibition – Draft Neighbourhood Plan for “Elm Park” Precinct, Marshall Mount Road, Marshall Mount and Avondale	Matthew Bressa Group Development Services For Recommendation
9	Notice of Motion – Councillor Mithra Cox – Wollongong Nuclear Free Zone	Gem Romuld International Campaign to Abolish Nuclear Weapons, Australia For Recommendation
9	Notice of Motion – Councillor Mithra Cox – Wollongong Nuclear Free Zone	Reverend Miao You International Buddhist Association of Australia Co-Op Ltd For Recommendation
10	Notice of Motion – Councillor Ann Martin – Temporary Skate Facility – Port Kembla	Will Mity Port Kembla Skateboarders For Recommendation

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

PETITION – PORT KEMBLA DIY SKATEPARK

Councillor Blakey tabled a petition containing 1268 signatures requesting Council review the decision to remove the Port Kembla DIY Skatepark and work with the community to find a solution for the skatepark to remain.

CALL OF THE AGENDA

646 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that the staff recommendations for Items 2, 3, 4, 5 and 7 be adopted as a block.

ITEM A - LORD MAYORAL MINUTE - PASSING OF MR ROD OXLEY

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

- 1 Acknowledge the passing of Roderick John Oxley on 20 March 2022.
- 2 Note Mr Oxley's service to Wollongong whilst working at Wollongong City Council from 1980 to 2007, including 20 years as General Manager.
- 3 Extend our condolences to his wife Sally and his family.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item A, Councillor Aitken departed and returned to the meeting, the time being from 6:34 pm to 6:34 pm.

ITEM 1 - POST EXHIBITION - DRAFT NEIGHBOURHOOD PLAN AND BIODIVERSITY CERTIFICATION APPLICATION FOR HUNTLEY SOUTH (STAGES 2 AND 3)

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

- 1 The draft Neighbourhood Plan for the Huntley Avondale Road South precinct within the Avondale Resort site, be discontinued as an amendment to the Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area.
- 2 The proponents be invited to submit a new draft Neighbourhood Plan for the whole precinct when they are ready to address the site issues.
- 3 The NSW Department of Planning and Environment – Environment, Energy and Science be advised that Council wishes to withdraw the Huntley/Avondale Biodiversity Certification application.

ITEM 2 - PUBLIC EXHIBITION - DRAFT NEIGHBOURHOOD PLAN FOR "ELM PARK" PRECINCT, MARSHALL MOUNT ROAD, MARSHALL MOUNT AND AVONDALE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 646)

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

- 1 The draft Neighbourhood Plan for the Elm Park precinct be endorsed to progress to exhibition as an amendment to the Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area for a minimum of 28 days following receipt of the following additional information from the proponent -
 - a Updated flood and water management information

- b Minor changes to road layout, reference to road cross-sections, bus stops and pedestrian/cycle connections
- c Minor changes to reflect environmental and riparian requirements.

ITEM 3 - LATE REPORT: APPLICATION TO APPLY BUDGETED RATE VARIATION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 646)

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

- 1 Council make application to IPART for a permanent additional special variation, under the process announced by the Minister for Local Government on 8 March 2022, for the use of the 1.8% general income increase in 2022-2023 as adopted in Council's budget in June 2021.
- 2 Council officers participate in the proposed review of the calculation of the Rate Peg for future years and Council make submission to any proposals or discussion papers put forward.

ITEM 4 - TENDER T1000044 - BANKING SERVICES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 646)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of Commonwealth Bank of Australia for provision of Banking Services.
- 2 Council award the contract for an initial term of five years, with 1 x 5 year optional extension, exercisable solely at the discretion of Council for a maximum term of 10 years.
- 3 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.
- 4 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 5 - TENDER T1000049 - CONSTRUCTION OF RETAINING WALL - LAKE HEIGHTS ROAD, LAKE HEIGHTS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 646)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of The RIX Group Pty Ltd for the construction of a retaining wall at Lake Heights Road, Lake Heights in the sum of \$2,205,524.72 inclusive of 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 6 - FEBRUARY 2022 FINANCIALS

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

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

ITEM 7 - STATEMENT OF INVESTMENT - FEBRUARY 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 646)

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

ITEM 8 - NOTICE OF MOTION - COUNCILLOR DOM FIGLIOMENI - CR VICKY KING MEMORIAL

650 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Figliomeni seconded Councillor A Martin that -

- 1 Council consider an appropriate memorial for Cr Vicky King who passed away while attending to Council responsibilities.
- 2 A report be provided to Council on the form of the memorial as soon as possible.
- 3 Cr King's family be consulted during the report development process.

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

ITEM 9 - NOTICE OF MOTION - COUNCILLOR MITHRA COX - WOLLONGONG NUCLEAR FREE ZONE

651 **COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Cox seconded Councillor Blakey that Council -

- 1 Reaffirm its declaration that Wollongong is a "Nuclear Free Zone".
- 2 Note that Wollongong City Council first made this declaration in 1980, and reaffirmed this commitment in 2006.
- 3 Note that in 2019, Council signed on to the ICAN Cities appeal to support the UN Treaty on the Prohibition of Nuclear Weapons.

In favour Councillors Kershaw, R Martin, D Brown, T Brown, A Martin, Campbell, Cox, Blakey and Bradbery

Against Councillors Aitken, Walters, Dorahy and Figliomeni

Variation The variation moved by Councillor D Brown (the removal of "and that this position statement was due for renewal on 30 March 2022" from point 2) was accepted by the mover and seconder.

A PROCEDURAL MOTION was MOVED by Councillor A Martin and CARRIED that the MOTION be PUT.

Councillor Aitken FORESHADOWED a MOTION should Councillor Cox's Motion be defeated that Council -

- 1 Welcome the Australian Government's shortlisting of Port Kembla as a Submarine Base. The estimated 7000 to 8000 jobs that a Submarine Base will bring to our region will support our businesses and grow our economy.
- 2 Seek more information about the potential impacts of the Submarine Base on our City and wider region.
- 3 Affirm that we are opposed to nuclear weapons.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 9, Councillor Walters departed and returned to the meeting, the time being from 7:01 pm to 7:02 pm.

ITEM 10 - NOTICE OF MOTION - COUNCILLOR ANN MARTIN - TEMPORARY SKATE FACILITY - PORT KEMBLA

652 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor A Martin seconded Councillor Campbell that Council -

- 1 Prepare an onsite and online consultation as soon as possible ahead of any action on the current skate facility to ensure residents and skate facility users' views are heard in respect to all issues and options for the future of the Skate Facility at the King George V site or other sites in Port Kembla.
- 2 Work with the Port Kembla community to review the current temporary skate facilities on site, including providing information so that elements can be upgraded to standards, and remove equipment that can't be made to standards for skate facilities.
- 3 Support the consideration of funding mobile skate facilities as a part of the Council budget process to be shared around the city, including in Port Kembla.

Variation The variation moved by Councillor Figliomeni (the addition of "or other sites in Port Kembla" to point 1) was accepted by the mover and seconder.

A PROCEDURAL MOTION was MOVED by Councillor Walters seconded Councillor Campbell that Councillor A Martin be granted an additional two minutes to address the meeting in relation to Item 10.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 10, Councillor D Brown departed and returned to the meeting, the time being from 7:36 pm to 7:37 pm.

ITEM 11 - NOTICE OF MOTION - COUNCILLOR CAMERON WALTERS - ONGOING SUPPORT TO TRIAL ELECTRIC PERSONAL MOBILITY DEVICES

653 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Walters seconded Councillor Cox that Council -

- 1 Welcome the announcement by the Transport Minister, Rob Stokes MP on 28 November 2021 for a 12-month trial (hereafter "trial") of e-scooters in consultation with local councils in 2022.
- 2 Affirm its support for active transport including cycling, e-scooters, electric skateboards and electric unicycles to improve health, protect the environment and reduce traffic congestion.
- 3 Write to the Minister Rob Stokes MP, Minister for Infrastructure, Minister for Cities, and

- Minister for Active Transport, and Rob Sharp, Secretary of Transport for NSW to -
- a Select the local government area of Wollongong City Council as a location for the trial
 - b Provide an appropriate regulatory framework following the precedent set out in other state jurisdictions to ensure safety measures such as helmets, bells and speed limits are enforced to protect users, pedestrians and the broader community particularly on footpaths
 - c Recognise that electric personal mobility devices (hereafter "PMDs") including e-scooters, electric unicycles and electric skateboards are legal on bicycle paths, shared footpaths and local roads in Western Australia, Tasmania, Queensland and Australian Capital Territory
 - d Ensure the e-scooter trial includes PMDs such as electric unicycles and electric skateboards
 - e Support a trial that includes residents who privately own, use and take care of their own PMDs
 - f Highlight Wollongong Council's investment in cycling infrastructure that could support PMDs and Wollongong's status as a UCI Bike City.
- 4 In the event that Wollongong City Council be nominated for the trial, a report be brought back to Council and the Ministers be made aware that this will occur.

THE MEETING CONCLUDED AT 8:05 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 2 May 2022.

Chairperson