

MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 15 March 2021

Present

Lord Mayor – Councillor Gordon Bradbery AM (in the Chair)	
Deputy Lord Mayor – Councillor Tania Brown	
Councillor Ann Martin	Councillor Jenelle Rimmer
Councillor Cameron Walters	Councillor John Dorahy
Councillor Cath Blakey	Councillor Leigh Colacino
Councillor David Brown	Councillor Mithra Cox
Councillor Dom Figliomeni	
Councillor Janice Kershaw	

In Attendance

General Manager	Greg Doyle
Director Infrastructure + Works, Connectivity Assets + Liveable City (Acting)	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
Manager Governance + Customer Service	Todd Hopwood
Chief Financial Officer (attended via electronic means)	Brian Jenkins
Manager Property + Recreation	Lucielle Power
Chief Information Officer (attended via electronic means)	Ingrid McAlpin
Manager City Strategy (attended via electronic means)	Chris Stewart
Manager Infrastructure Strategy + Planning	Trish McClure
Manager Community Cultural + Economic Development (attended via electronic means)	Sue Savage
Manager Development Assessment + Certification	Mark Riordan

Note: Due to current government requirements around social distancing obligations due to the COVID-19 pandemic, participants in the meeting can participate via electronic means as permitted under legislation relating to the COVID-19 pandemic. Those who participated via electronic means are indicated in the attendance section of the Minutes.

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CONFLICTS OF INTERESTS

Councillor Dorahy declared a pecuniary interest in Item 7 – Procurement Exemption - Parking Meter Ticket Machine Maintenance and Ancillary Services as he is a Sales Director of a U.S. company in the area of cash and cashless transaction payments. Although Councillor Dorahy is not directly involved in the service covered in Item 7, he advised that he would depart the Chamber during debate and voting on the item.

Councillor Martin declared a non-pecuniary, non-significant conflict of interest in Item 3 – Post Exhibition - Draft Planning Proposal - Home Employment Uses (PP-2019/10), due to her employment with the Department of Planning. As she does not work on any projects associated with the Wollongong LGA, Councillor Martin advised she would remain in the Chamber during debate and voting on the item.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 22 FEBRUARY 2021

- 504 **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, 22 February 2021 (a copy having been circulated to Councillors) be taken as read and confirmed.

CALL OF THE AGENDA

- 505 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Kershaw that the staff recommendations for Items 1 to 6 inclusive, then 8 to 10 inclusive be adopted as a block.

ITEM A - LORD MAYORAL MINUTE - RESIDENTIAL LAND LEASE COMMUNITIES

- 506 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Council -
- 1 Note that residential land lease communities are an important part of the housing mix in NSW and have provided a low-cost, affordable housing option over time.
 - 2 Note that Council must ensure residential land lease communities, including caravan parks, operate in a safe, appropriate manner which is consistent with development approval, appropriate land use and the relevant Stage Government legislation.
 - 3 Write to the Premier, Minister for Planning and Open Spaces, and Minister for Better Regulation and Innovation to:
 - a advise that requirements that allow residential land lease communities to operate are changing in some instances due to revised flood modelling and coastal erosion from climate change and fire safety regulations. This has the potential over time to impact the availability of a low-cost housing option in Wollongong and coastal NSW; and
 - b request information on any NSW Government support for homeowners in residential land lease communities whose lease arrangements may be affected by changed compliance requirements, particularly due to climate change and fire safety regulations.
 - 4 Make a submission to the review of *The Residential (Land Lease) Communities Act 2013* to highlight the complexities of regulating this type of housing particularly when the roles and responsibilities of home owners, park operators, Council, NSW Fair Trading and State Government are not clearly understood in the community.
 - 5 Inform the local state Members of Parliament of Council's resolution.

URGENT MATTER WITHOUT NOTICE

Councillor T Brown moved a PROCEDURAL MOTION that an Urgency Item be brought forward in relation to Council's support for #March4Justice.

- 507 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Rimmer that Council consider Business Without Notice regarding Council's support for #March4Justice.

Following the Resolution of Council, the Lord Mayor, Councillor Bradbery, 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 Council before the next scheduled Ordinary meeting of Council. It was resolved that the Urgency Item would be considered as Item 12 of the meeting.

ITEM 1 - PUBLIC EXHIBITION - REVIEW OF CHAPTER E1 OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009: ACCESS FOR PEOPLE WITH A DISABILITY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 505)

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

- 1 The draft Wollongong Development Control Plan (2009) Chapter E1: Access for People with a Disability be exhibited for a minimum period of 28 days.
- 2 Following the exhibition period, a report outlining the submissions received from the public exhibition process with recommendations regarding progression of the draft DCP amendments be prepared for Council's consideration.

ITEM 2 - PUBLIC EXHIBITION - REVIEW OF CHAPTER E12 OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009: GEOTECHNICAL ASSESSMENT OF SLOPE INSTABILITY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 505)

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

- 1 The draft Wollongong Development Control Plan 2009 Chapter E12: Geotechnical Assessment of Slope Instability be exhibited for a period of 28 days.
- 2 Following the exhibition period, a report outlining the submissions received from the public exhibition process with recommendations regarding progression of the draft DCP amendments be prepared for Council's consideration.

ITEM 3 - POST EXHIBITION - DRAFT PLANNING PROPOSAL HOME EMPLOYMENT USES (PP-2019/10)

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 505)

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

- 1 The draft Planning Proposal to resolve anomalies in the permissibility of home employment uses be progressed by finalising the Planning Proposal that seeks to amend the Wollongong Local Environmental Plan 2009 to:
 - a Include home occupations as permitted without consent in the land use tables for the R3 Medium Density Residential, R4 High Density Residential, B2 Local Centre, B3 Commercial Core, B4 Mixed Use and B6 Enterprise Corridor zones.
 - b Include home businesses as permitted with consent in the land use tables for the

RU2 Rural Landscape, RU4 Primary Production Small Lots, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential, E3 Environmental Management, E4 Environmental Living, B2 Local Centre, B3 Commercial Core, B4 Mixed Use and B6 Enterprise Corridor zones.

- c Include home industries as permitted with consent in the land use tables for the RU2 Rural Landscape, RU4 Primary Production Small Lots, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living zones.
 - d Amend Clause 5.4 controls relating to miscellaneous permissible uses, to include a subclause that specifies that home occupation has a maximum floor area of 30m².
- 2 The final Planning Proposal be referred to the NSW Department of Planning, Industry and Environment for the making of arrangements for drafting to give effect to the final proposal.
- 3 Council note that the General Manager will thereafter proceed to exercise his Plan Making delegations issued by the NSW Department of Planning, Industry and Environment under Section 3.36(2) of the Act in relation to the final proposal.

ITEM 4 - 2021 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - COUNCILLOR ATTENDANCE AND DEVELOPMENT OF MOTIONS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 505)

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

- 1 The attendance of Lord Mayor, Councillor Bradbery and Councillor Kershaw at the 2021 National General Assembly of Local Government and Regional Forum in Canberra between 19 and 23 June 2021 be endorsed.
- 2 Councillors liaise with the Lord Mayor's Office on submitting Motions for consideration at the Conference.
- 3 The Lord Mayor be appointed as Council's voting delegate at the 2021 National General Assembly of Local Government.
- 4 The Lord Mayor and General Manager be delegated the authority to determine any further requests by Councillors to attend the 2021 National General Assembly of Local Government and Regional Forum.
- 5 The Ordinary meeting of Council originally scheduled for Monday, 21 June 2021 now be held on Monday, 28 June 2021.

ITEM 5 - PROPOSED GRANT OF EASEMENT OVER COUNCIL LAND KNOWN AS LOT 1 DP 347972, THOMAS DALTON PARK, FAIRY MEADOW

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 505)

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

- 1 Pursuant to section 46(1)(a1) of the *Local Government Act 1993*, Council grant an easement for an underground cable 1.0m wide and 25.0m long over Council Community land being Thomas Dalton Park, Fairy Meadow known as Lot 1 DP 347972, in favour of Endeavour Energy, as shown crosshatched on Attachment 1.
- 2 Approval be granted for the General Manager to sign Endeavour Energy's document

entitled *Agreement for Entry, Grant, and Creation of Easement* and related documents.

- 3 Approval be granted to affix the Common Seal of Council to the survey plan, Section 88B Instrument and any other documentation required to give effect to this resolution.

ITEM 6 - PROPOSED ACQUISITION OF PROPOSED LOTS 1, 2 AND 4 IN DP 1254103 - PART 115, 119 AND 121 PRINCES HIGHWAY, DAPTO - FOWLERS ROAD TO FAIRWATER DRIVE EXTENSION PROJECT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 505)

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

- 1 Council acquire -
 - a Proposed Lot 1 DP 1254103 (121 Princes Highway, Dapto), being Part Lot 6 DP 36010 (Volume 14027 Folio 169)
 - b Proposed Lot 2 DP 1254103 (119 Princes Highway, Dapto), being Part Lot 5 DP 36010 (Volume 14027 Folio 168)
 - c Proposed Lot 4 DP 1254103 (115 Princes Highway, Dapto), being Part Lot 3 DP 36010 (Volume 14027 Folio 167); by authority contained within Section 177 of the *Roads Act 1993*, for the purpose of road widening under the following conditions:
 - i Compensation be paid to the owner in the amount of \$288,200 (including GST)
 - ii Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition of the subject land.
- 2 Upon the acquisition being finalised, the land be dedicated as public road pursuant to Section 10 of the *Roads Act 1993*.
- 3 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.

DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor Dorahy departed the Chamber at 6:26 pm and was not involved in the debate nor voting on Item 7. Councillor Dorahy returned to the Chamber at 6:26 pm at the conclusion of Item 7.

ITEM 7 - PROCUREMENT EXEMPTION - PARKING METER TICKET MACHINE MAINTENANCE AND ANCILLARY SERVICES

508 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that under Section 55(3)(i) of the Local Government Act 1993, Council -

- 1 Not invite tenders for the provision of Parking Meter Ticket Machine Maintenance and Ancillary Services, as a satisfactory result will not be achieved due to the unavailability of competitive or reliable tenders, as only the current contractor could provide the required services utilising the existing Proprietary software.
- 2 Delegate to the General Manager authority to undertake and finalise negotiations with the current service provider, Reino International Pty Ltd, with a view to entering into a contract for the subject service.
- 3 Set the term of the contract for three years with two optional extensions of one year each, to a maximum term of five years, (with optional extensions exercisable solely at the discretion of Council, and subject to satisfactory performance of the contractor).
- 4 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 - JANUARY 2021 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 505)

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

- 1 The financials be received and noted.
- 2 Council approves the proposed changes to the Capital Budget.

ITEM 9 - STATEMENT OF INVESTMENT - JANUARY 2021

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 505)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Kershaw that Council receive the Statement of Investment for January 2021.

ITEM 10 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF MEETING HELD 16 FEBRUARY 2021

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 505)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Kershaw that in accordance with the powers delegated to Council, the Minutes and Recommendations of the City of Wollongong Traffic Committee held on 19 February 2021 in relation to Regulation of Traffic be adopted.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 11, Councillor Rimmer departed and returned to the meeting, the time being from 6:27 pm to 6:29 pm.

During debate and prior to voting on Item 11, Councillor T Brown departed and returned to the meeting, the time being from 7:21 pm to 7:22 pm.

ITEM 11 - NOTICE OF MOTION - COUNCILLOR JOHN DORAHY - PARKING MANAGEMENT OPTIONS FOR KEIRAVILLE

MOVED by Councillor Dorahy seconded Councillor Figliomeni that given the parking challenges faced by residents in the Keiraville suburb -

- 1 Council review the parking challenges of the Keiraville precinct with a view to consideration of providing residents with Parking Permits identifying them as residents thereby allowing unlimited parking time.
- 2 At the Councillor Briefing to be held on 17 May 2021, staff present the outcomes of a consideration to parking time limits in the Keiraville precinct (including a response from the Traffic Committee if possible), options to assist all stakeholders - residents, students and UOW staff, and a response to the suggested Parking Permit option.

Councillor D Brown FORESHADOWED a MOTION should Councillor Dorahy's Motion be defeated that a Councillor Briefing be held on options to improve resident parking in the Dallas Street precinct of Keiraville, to the west of the university.

Councillor Dorahy's Motion on being PUT to the VOTE was LOST.

In favour Councillors Figliomeni, Dorahy, Colacino and Walters.

Against Councillors Kershaw, Rimmer, D Brown, T Brown, Martin, Cox, Blakey and Bradbery.

Following the defeat of Councillor Dorahy's Motion, Councillor D Brown's FORESHADOWED MOTION became the MOTION.

- 509 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that an urgent Councillor Briefing be held on options available to Council that would improve resident parking within the Dallas Street precinct, Keiraville.

Variations The variation moved by Councillor Colacino (the replacement of the words "to improve resident parking in the Dallas Street precinct of Keiraville, to the west of the university" with the words "on options available to Council that would improve resident parking within the Dallas Street precinct, Keiraville") was accepted by the mover and seconder.

The variation moved by Councillor Bradbery (the addition of the word "urgent") was accepted by the mover and seconder.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 12, Councillor Walters departed and returned to the meeting, the time being from 7:49 pm to 7:51 pm.

During debate and prior to voting on Item 12, Councillor Colacino departed and returned to the meeting, the time being from 8:08 pm to 8:09 pm.

ITEM 12 - URGENCY ITEM - SUPORT FOR #MARCH4JUSTICE

- 510 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Cox, noting that today, Monday 15 March 2021, over 40 #March4Justice rallies were held across Australia calling for the right of women to be safe in their workplace, Council -

- 1 Write to the Prime Minister, NSW Premier, Minister for Women and LGNSW expressing the support of Wollongong City Council for the principles behind the #March4Justice and the right of all women to feel safe and supported in the workplace.
- 2 Call on the Federal Government to stand against gendered violence and harassment and ensure procedures are in place that protect all people in the workplace.
- 3 Support the #March4Justice four calls to action:
 - i Full independent investigations into all cases of gendered violence and timely referrals to appropriate authorities. Full public accountability for findings.
 - ii Fully implement the 55 recommendations in the Australian Human Rights Commission's Respect@Work report of the National Inquiry into Sexual Harassment in Australian Workplaces 2020.
 - iii Lift public funding for gendered violence prevention to world's best practice.
 - iv The enactment of a federal Gender Equality Act to promote gender equality. It should include a gender equity audit of Parliamentary practices.
- 4 Reaffirm the social justice principles adopted by this Council and outlined in 'Wollongong 2028' of "equality, access, participation and rights" and reinforced in the 'Workforce Strategy 2018 – 2022' that says "we will ensure our workforce is inclusive and engaged".

Variations The variation moved by Councillor Colacino (the replacement of the word "women" with the words "all people" in point 2) was accepted by the mover and seconder.

The variation moved by Councillor Dorahy (the addition of the words "NSW Premier and LGNSW" in point 1) was accepted by the mover and seconder.

The variation moved by Councillor Walters (the addition of the words "Minister for Women" in point 1) was accepted by the mover and seconder.

THE MEETING CONCLUDED AT 8:24 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 19 April 2021.

Chairperson