



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 21 February 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
Director Planning + Environment, Future City + Neighbourhoods
Director Corporate Services, Connected + Engaged City
Director Community Services, Creative + Innovative City
Chief Financial Officer
Chief Information Officer
Manager Governance + Customer Service
Manager Property + Recreation
Manager City Strategy
Manager City Works
Manager Project Delivery
Manager Infrastructure Strategy + Planning (Acting)
Manager Open Space + Environmental Services (Acting)
Manager Community Cultural + Economic Development
Manager Library + Community Services
Land Use Planning Manager, City Strategy

Greg Doyle
Joanne Page
Linda Davis
Renee Campbell
Kerry Hunt
Brian Jenkins
Ingrid McAlpin
Todd Hopwood
Lucielle Power
Chris Stewart
Corey Stoneham
Glenn Whittaker
Isabelle Ghatti
Paul Tracey
Sue Savage
Jenny Thompson
David Green

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CONFLICTS OF INTERESTS

Councillor Ann Martin declared a significant conflict of interest in Item 3 Draft Planning Proposal Policy Review and Rezoning Discussion Paper Submission and Item 5 Employment Zone Reforms - Preliminary Translation of Employment Zones in Wollongong Local Environment Plan 2009 due to her employment with the Department of Planning. Councillor Martin advised she will depart the meeting during debate and voting on the items.

CONFIRMATION OF MINUTES OF EXTRAORDINARY MEETING OF COUNCIL HELD ON MONDAY, 8 NOVEMBER 2021

- 623 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor A Martin that the Minutes of the Extraordinary Meeting of Council held on Monday, 8 November 2021 (a copy having been circulated to councillors) be taken as read and confirmed.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 31 JANUARY 2022

- 24 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor A Martin that the Minutes of the Ordinary Meeting of Council held on Monday, 31 January 2022 (a copy having been circulated to Councillors) be taken as read and confirmed.

PETITION – FOY AVENUE PLAYGROUND, FIGTREE

Councillor Blakey tabled a digital petition containing 406 signatures requesting Council upgrade the playground at Foy Park in Figtree.

CALL OF THE AGENDA

- 625 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the staff recommendations for Items 2, 8, 9 and 13 to 17 be adopted as a block.

ITEM A - LORD MAYORAL MINUTE - COUNCIL ENGAGEMENT WITH YOUNG PEOPLE

- 626 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that -
- 1 Wollongong City Council explore options, such as the establishment of a youth forum or reference committee, to target engagement with young people and ensure that Council's priority setting and expenditure is informed by residents aged between 12-18 years old.
 - 2 A report or briefing on engagement options be brought back to Council by the middle of 2022.

Variation The variation moved by Councillor T Brown (the addition of 'such as' instead of 'including' to Point 1) was accepted by the mover.

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

- 1 Wollongong City Council explore options, such as the establishment of a youth forum or reference committee, to target engagement with young people and ensure that Council's priority setting and expenditure is informed by residents aged between 12-18 and 12-24 years old.

- 2 A report or briefing on engagement options be brought back to Council by the middle of 2022.

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

In favour

Councillors Blakey, Cox, A Martin

Against

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

Councillor Bradbery's MOTION was then PUT to the VOTE and was CARRIED to become the RESOLUTION.

ITEM 1 - PUBLIC EXHIBITION - DRAFT WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 CHAPTER C1: ADVERTISING SIGNAGE AND STRUCTURES

627

COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Cox seconded Councillor T Brown that -

- 1 The Draft Wollongong Development Control Plan 2009 Chapter C1 Advertising and Signage be exhibited for a minimum period of 28 days, with the removal of point 8.8 - "Advertising signs must be displayed in English Language."
- 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.

In favour

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

Against

Councillors Dorahy and Figliomeni

An AMENDMENT was MOVED by Councillor Dorahy seconded Councillor Figliomeni that

- 1 The Draft Wollongong Development Control Plan 2009 Chapter C1 Advertising and Signage 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.

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

In favour

Councillors Aitken, Walters, Dorahy and Figliomeni

Against

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

Councillor Cox's MOTION was then PUT to the VOTE and was CARRIED to become the RESOLUTION.

ITEM 2 - PUBLIC EXHIBITION - WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 CHAPTER E1: ACCESS FOR PEOPLE WITH DISABILITY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 625)

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

- 1 The revised draft Wollongong Development Control Plan 2009 Chapter E1: Access for People with Disability be exhibited for a minimum period of 28 days.
- 2 Persons who made submissions during the first exhibition period be thanked for their input and invited to comment on the revised draft DCP Chapter.

- 3 Following the exhibition period, a report outlining the submissions received from the exhibition process, with recommendations regarding progression of the draft DCP amendments, be prepared for Council's consideration.

DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor A Martin departed the meeting at 6:51 pm and was not involved in the debate nor voting on Items 3 and 5. Councillor A Martin returned to the Chamber at 7:06 pm at the conclusion of Item 5.

ITEM 3 - PUBLIC EXHIBITION - DRAFT PLANNING PROPOSAL POLICY REVIEW AND REZONING DISCUSSION PAPER SUBMISSION

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

- 1 The updated draft Planning Proposal Policy, Application Form and Checklist (Attachment 1) be exhibited for a minimum period of 28 days for public comment.
- 2 A post exhibition report be prepared for Council's consideration.
- 3 The General Manager be authorised to finalise the draft submission on A New Approach to Rezonings - Discussion Paper (Attachment 2), to the NSW Department of Planning and Environment.

A PROCEDURAL MOTION was MOVED by Councillor T Brown seconded Councillor R Martin that Item 5 be considered as the next Item of business. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 5, Councillor Cox departed and returned to the meeting, the time being from 7:01 pm to 7:03 pm.

ITEM 5 - EMPLOYMENT ZONE REFORMS - PRELIMINARY TRANSLATION OF EMPLOYMENT ZONES IN WOLLONGONG LOCAL ENVIRONMENT PLAN 2009

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

- 1 The proposed changes to the Wollongong Local Environment (LEP) 2009 in response to the NSW Employment Zone Reforms introduced by the NSW Department of Planning and Environment be ratified by Council.
- 2 Further information be provided to Council and a submission made in response to formal exhibition by the NSW Department of Planning and Environment of the proposed Employment Zone Reforms and amendments to Wollongong Local Environmental Plan 2009.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 4, Councillor Dorahy departed and returned to the meeting, the time being from 7:09 pm to 7:12 pm.

ITEM 4 - CONTRIBUTION REFORM AND IPART REVIEW – COUNCIL SUBMISSIONS TO PROPOSED AMENDMENTS

630

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

- 1 Council ratify the staff submissions to the NSW Department of Planning and Environment (DPE) and Independent Pricing and Regulatory Tribunal (IPART) of 10 December 2021 in response to the DPE Contributions Reform proposal and IPART essential works list and benchmarks reform.
- 2 Staff write to the Minister for Planning, DPE and IPART confirming Council support for the 10 December 2021 submissions.

ITEM 6 - PUBLIC EXHIBITION - DRAFT CODE OF MEETING PRACTICE

631

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

- 1 Council place the draft Code of Meeting Practice on public exhibition for a period of not less than 42 days, inviting submissions from the public, after which time the policy shall be reported back to Council for adoption with a summary of submissions received.
- 2 Attachment 3 to the Code of Meeting Practice "Procedure for the Appointment of Councillor Delegates to Committees and External Bodies" to have the close of nominations read "prior to the commencement of the Council meeting" at all points.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 7 Councillor Walters departed and returned to the meeting, the time being from 7:28 pm to 7:29 pm.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Dorahy that Councillor Kershaw be granted an additional 5 minutes to address the meeting in relation to Item 7.

ITEM 7 - PUBLIC EXHIBITION - DRAFT COUNCILLOR EXPENSES AND FACILITIES POLICY

632

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

- 1 Council endorse the draft Councillor Expenses and Facilities Policy for exhibition for a period of not less than 28 days, subject to the following amendments –
 - Policy Intent – At the end of the first sentence add 'and ensure accountability and transparency'. Delete the second paragraph.
 - Remove Summary of Key Policy Provisions
 - Remove Point 1.5 and 1.6
 - At 6.3 – Remove 'up to a maximum of \$5000 per annum'
 - Remove 6.8
 - Remove 'but excluding travel costs' from 6.36 and 6.37
 - Remove dollar amounts from point 12
- 2 Council receive a further report on the Councillor Expenses and Facilities Policy, including a summary of any submissions received prior to formal adoption of the Policy.

In favour
Against

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

Councillors Cox, Blakey, Figliomeni

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

- 1 Council endorse the draft Councillor Expenses and Facilities Policy to be placed on public exhibition for a period of not less than 28 days, inviting submissions from the public.
- 2 Council receive a further report on the Councillor Expenses and Facilities Policy, including a summary of any submissions received prior to formal adoption of the Policy.

ITEM 8 - POLICY REVIEW - CODES OF CONDUCT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 625)

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

- 1 Council adopt the attached:
 - a Code of Conduct for Councillors
 - b Code of Conduct for Staff
 - c Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors
 - d Procedures for the Administration of the Codes of Conduct
- 2 The existing *Councillor Access to Information and Staff Policy* be revoked as the provisions have been incorporated into the Code of Conduct

ITEM 9 - 2022 COUNCIL MEETING CYCLE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 625)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Council adopt the Ordinary Council Meeting dates as detailed in this report.

ITEM 10 - APPOINTMENT OF COUNCILLOR DELEGATES TO EXTERNAL COMMITTEES AND EXTERNAL GROUPS

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

- 1 That the term of appointment for councillor representatives to the identified external organisation be for the term of Council.
- 2 Councillor Representatives be appointed to the external organisations listed in Attachment 1 where the number of nominations equals the number of available appointments.
- 3 The following additional withdrawal and nominations to those listed in Attachment 1 be noted:

Illawarra Performing Arts Centre Board

- Cr Bradbery (withdrawal)

Illawarra Shoalhaven Joint Organisation (ISJO)

- Cr A Martin (withdrawal)

Shellharbour Airport Management Advisory Committee

- Cr Walters (nomination)

- 4 The General Manager be authorised to appoint staff to any external committees that have vacancies following the election of Councillors.

ITEM 11 - APPOINTMENT OF COUNCIL 'LOCAL EXPERT' MEMBERS AND COUNCILLOR REPRESENTATIVES ON THE SOUTHERN JOINT REGIONAL PLANNING PANEL

634

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

- 1 Councillor David Brown (Delegate) and Councillor Tania Brown (Alternate Delegate) be appointed to the Southern Regional Planning Panel for the term of the Council
- 2 Council endorse the extension of term for existing local expert representative Mark Carlon (alternative delegate) to coincide with the term of the currently endorsed local expert representative, Mr Michael Mantei until 31 August 2023 after which Council refreshes the Panel and seeks expressions of interest for local expert representatives.

ITEM 12 - 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - COUNCILLOR ATTENDANCE AND DEVELOPMENT OF MOTIONS

635

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

- 1 Council approve the attendance of the Lord Mayor, Councillor Gordon Bradbery AM, Cr Cath Blakey, Cr Janice Kershaw and Cr Cameron Walters to attend the 2022 National General Assembly of Local Government and Regional Forum in Canberra between 19 and 22 June 2022.
- 2 The Lord Mayor be appointed as Council's voting delegate at the 2022 National General Assembly of Local Government.
- 3 Councillors to liaise with the Lord Mayor's Office on submitting Motions for consideration at the Conference.
- 4 The General Manager be delegated the authority to determine any requests by any other Councillor to attend the 2022 National General Assembly of Local Government and Regional Forum.

ITEM 13 - EXERCISE OF DELEGATIONS TO ACCEPT TENDERS ABOVE \$500,000 INCL GST BETWEEN 1 NOVEMBER 2021 AND 31 JANUARY 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 625)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Council note the exercise of delegations by the General Manager with the agreement of the Lord Mayor or Deputy Lord Mayor (in absence of Lord Mayor) during the period between the last ordinary meeting of Council on 1 November 2021 and the first ordinary meeting of the new Council on 31 January 2022.

ITEM 14 - TENDER T1000025 - LICENCE OF BALD HILL KIOSK, OUTDOOR SEATING AND OPERATION OF A MOBILE FOOD VAN

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 625)

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

- 1 a In accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*, Council decline to accept tenders received for licence of Bald Hill Kiosk, Outdoor Seating and Operation of a Mobile Food Van at Bald Hill, Otford Road, Stanwell Tops and resolve to enter into negotiations with the tenderer with a view to entering into a licence in relation to the subject matter or in the event of failure of negotiations with that tenderer, any other party with a view of entering into a licence agreement 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 tenderer or any other party and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with a party who can demonstrate a capacity and ability to perform all requirements under the licence provisions.
- 2 Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with the tenderer, and, in the event of failure of negotiations with that tenderer, any other party, with a view to entering into a licence agreement in relation to the subject matter of the tender.
- 3 Council grant authority for the use of the Common seal of Council on the licence agreement and any other documentation, should it be required, to give effect to this resolution.

ITEM 15 - RETURNS OF DISCLOSURES OF PECUNIARY INTERESTS - FEBRUARY 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 625)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Councillor D Brown seconded Councillor T Brown that Council note the tabling of the Returns of Disclosures of Interest as required by Part 4 of the Model Code of Conduct.

ITEM 16 - DRAFT QUARTERLY REVIEW STATEMENT DECEMBER 2021

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 625)

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

- 1 The draft Quarterly Review Statement December 2021 be adopted.
- 2 The Budget Review Statement as at December 2021 be adopted and revised totals of income and expenditure be approved and voted.

ITEM 17 - DECEMBER 2021 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 625)

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 December 2021.

THE MEETING CONCLUDED AT 8:09

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 14 March 2022.

Chairperson