



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 23 May 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 (attended electronically)

Manager Governance + Customer Service

Manager City Strategy

Manager Project Delivery (attended electronically)

Manager Infrastructure Strategy + Planning (attended electronically)

Manager Open Space + Environmental Services (attended electronically)

Manager Community Cultural + Economic Development

Greg Doyle

Joanne Page

Linda Davis

Renee Campbell

Kerry Hunt

Brian Jenkins

Todd Hopwood

Chris Stewart

Glenn Whittaker

Chris O'Connor

Paul Tracey

Sue Savage

Note: In accordance with the Code of Meeting Practice, participants in the meeting can participate via electronic means. Those who participated via electronic means are indicated in the attendance section of the Minutes.

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CONFLICTS OF INTERESTS

Councillor A Martin declared a significant non-pecuniary in Item 4 - Post Exhibition - Updates to Planning Proposal Policy due to her role at the Department of Planning. Councillor Martin advised she will depart the meeting during debate and voting on the item.

Councillor Cox declared a non-significant, non-pecuniary conflict of interest in Item 9 – Notice of Motion – Councillor Mithra Cox – Reducing Greenhouse Emissions from Gas as she works for the Global Strategic Communications Council as an oil and gas associate, working with experts and environment groups to communicate about gas, oil and hydrogen. As none of the work is related to Wollongong, Wollongong City Council or any partners in Wollongong, Councillor Cox advised she will remain in the meeting during debate and voting on the item.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 2 MAY 2022

675 **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, 2 May 2022 (a copy having been circulated to Councillors) be taken as read and confirmed.

PRESENTATION

The Lord Mayor, Councillor Bradbery tabled a certificate of recognition from the Illawarra Academy of Sport thanking Council for its continued support and contribution.

CALL OF THE AGENDA

676 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the staff recommendations for Items 1, 3 then 5 to 8 inclusive be adopted as a block.

ITEM 1 - PUBLIC EXHIBITION - DRAFT WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 CHAPTER C3 BOARDING HOUSES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 676)

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

- 1 Draft Wollongong Development Control Plan 2009 Chapter C3 Boarding Houses be exhibited for a minimum of 28 days.
- 2 Draft Wollongong Development Control Plan 2009 Chapter E3 Car Parking, Access, Servicing/Loading Facilities and Traffic Management, Schedule 1 – Car Parking, Bicycle Motorcycle and Delivery Vehicle Parking Requirements be exhibited for a minimum of 28 days.
- 3 Following the exhibition period, a report outlining the submissions received from the public exhibition process with recommendations regarding the progression of the draft Development Control Plan amendments be presented for Council's consideration.

ITEM 2 - ROCK FISHING SAFETY ACT 2016 - OPT-IN LEGISLATION

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

- 1 Council resolves to pursue stakeholder and community engagement for 28 days on Council's proposal to opt-in to the Rock Fishing Safety Act 2016, which would see areas within Wollongong LGA declared as high-risk rock fishing locations.
- 2 A subsequent report come forward to Council with the outcome of this engagement with a view to have Council resolve to request the Minister for Local Government to make a declaration under the Rock Fishing Safety Act 2016 that the Wollongong LGA is an area where high risk rock fishing takes place.
- 3 The report also investigate a range of options that may include, but not be limited to, short term hire or loan of life jackets so that no one is disadvantaged by the introduction of this regulation. Further that funding options to provide this, including funds from the Recreational Fishing Trust and the PKCIF be examined.
- 4 For the purposes of the above declaration, the high-risk rock fishing locations within the Wollongong LGA are those described and identified on the map attached to this report.

Variation The variation moved by Cr Campbell (the addition of a new point 3 "The report also investigates a range of options that may include, but not be limited to, short term hire or loan of life jackets so that no one is disadvantaged by the introduction of this regulation. Further, that funding options to provide this, including funds from the Recreational Fishing Trust and the PKCIF be examined." and the existing point 3 to become point 4 was accepted by the mover and seconder.

ITEM 3 - DRAFT QUARTERLY REVIEW STATEMENT MARCH 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 676)

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

- 1 The draft Quarterly Review Statement March 2022 be adopted.
- 2 The Budget Review Statement as at March 2022 be adopted and revised totals of income and expenditure be approved and voted.

DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor A Martin departed the meeting at 6:28pm and was not present for the debate nor voting on Item 4. Councillor A Martin returned to the meeting at 6:30pm at the conclusion of Item 4.

ITEM 4 - POST EXHIBITION - UPDATES TO PLANNING PROPOSAL POLICY

678 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the updated Planning Proposal Policy, Application Form and Checklist be adopted, and a notice placed on Council's website advising of the adoption.

ITEM 5 - APPOINTMENTS TO THE LAKE ILLAWARRA CMP IMPLEMENTATION GROUP

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 676)

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

- 1 Cr Ann Martin be endorsed as the Councillor delegate to act as Chairperson on the Lake Illawarra CMP Implementation Group for the initial hosting period.
- 2 Colin La Flamme and Jess Whittaker be appointed as community representatives to the Lake Illawarra CMP Implementation Group.
- 3 Dr Brian Jones be appointed as Independent Scientific Advisor to the Lake Illawarra CMP Implementation Group.
- 4 The unsuccessful candidates be thanked for their nomination and interest in assisting in the implementation of the Lake Illawarra CMP.

ITEM 6 - TENDER T1000048 - WEST DAPTO ROAD UPGRADE STAGE 1

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 676)

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)(a) of the Local Government (General) Regulation 2021, Council decline to accept the tenders received for West Dapto Road Upgrade Stage 1 and resolve to enter into negotiations with one or both tenderers, or any other party 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 one or both of the tenderers or another 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 one or both tenderers, and, in the event of failure of negotiations with one or both 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 7 - TENDER T1000055 - PORT KEMBLA BEACH ACCESS RAMP

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 676)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of Cadifern Pty Ltd for the construction of an access ramp to the Port Kembla Beach, in the sum of \$428,066.38, including 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 8 - TENDER T1000057 - RELOCATION OF UTILITIES - BONG BONG ROAD/STATION STREET INTERSECTION, DAPTO

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 676)

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

- 1 Council note that no tender submissions were received for the publicly advertised tender "Bong Bong Road/Station Street Intersection, Dapto – Utilities Relocations".
- 2
 - a In accordance with Section 178(3)(e) of the Local Government (General) Regulation 2021, Council enter into negotiations with any person in relation to Bong Bong Road/Station Street Intersection, Dapto – Utilities Relocations 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 any party and not inviting fresh tenders is that the previous tender process received no responses and it is anticipated that a more satisfactory outcome can be achieved by directly negotiating with parties who can demonstrate a capacity and ability to undertake the works.
- 3 Council delegate to the General Manager the authority to undertake and finalise the negotiations with any party, with a view to entering into a contract in relation to the subject matter of the tender.
- 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.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 9, Councillor Walters departed and returned to the meeting, the time being from 6:44 pm to 6:45 pm.

ITEM 9 - NOTICE OF MOTION - COUNCILLOR MITHRA COX - REDUCING GREENHOUSE EMISSIONS FROM GAS

679 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Cox seconded Councillor Blakey that as part of the next Climate Mitigation Plan, Council investigates ways to reduce greenhouse emissions from gas, both within Council operations and in the broader community.

Variation The variation moved by Councillor Blakey (the removal of the words 'banning or' from point a) was accepted by the mover and seconder.

Variation The variation moved by Councillor A Martin (the addition of 'the next iteration of the Wollongong DCP and in consultation with the State Government through the future review of the BASIX requirements with the potential to slowly roll out amendments relating to preference of electricity over gas where available in the BASIX requirements' to point a, and the addition of 'when they are due for replacement' to the end of points b and c) was accepted by the mover and seconder.

Variation The variation moved by Councillor Bradbery (the removal of points a, b and c) was accepted by the mover and seconder.

THE MEETING CONCLUDED AT 7:29 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 6 June 2022.

Chairperson