



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 6 June 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 (attended electronically)  
Manager Governance + Customer Service  
Manager City Strategy  
Manager Regulation + Enforcement (attended electronically)  
Manager Project Delivery  
Manager Open Space + Environmental Services (attended electronically)  
Land Use Planning Manager

Greg Doyle  
Joanne Page  
Linda Davis  
Renee Campbell  
Kerry Hunt  
Brian Jenkins  
Ingrid McAlpin  
Todd Hopwood  
Chris Stewart  
Corey Stoneham  
Glenn Whittaker  
Paul Tracey  
David Green

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 Cox declared a pecuniary conflict of interest in Item 3 – Post Exhibition – Wollongong Development Control Plan 2009 Chapter D19: Former Corrimal Coke Works Site, as she lives in close proximity to the site and as such it has the ability to affect property prices in her street. Councillor Cox advised she would depart the meeting during debate and voting on the item, in addition to the Public Address Forum speakers addresses to Council on the matter.

Councillor A Martin declared a non-significant, non-pecuniary conflict of interest in Item 4 – Post Exhibition – Wollongong City Centre Heritage Study and Planning Proposal, and Item 5 – Post Exhibition – Revised Draft Planning Proposal – 117 Darkes Forest Road, Darkes Forest, due to her employment with the Department of Planning and Environment. As she does not work on planning matters related to the Wollongong LGA, Cr A Martin advised she would remain in the meeting during debate and voting on the items.

## CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 23 MAY 2022

**680** **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, 23 May 2022 (a copy having been circulated to Councillors) be taken as read and confirmed.

## DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor Cox departed the meeting at 6:03 pm and was not present for the Public Access Forum speakers addresses to Council on Item 3. Councillor Cox returned to the meeting at 6:11 pm at the conclusion of the addresses on Item 3.

## PUBLIC ACCESS FORUM

ITEM	TITLE	NAME OF SPEAKER
3	Post Exhibition – Wollongong Development Control Plan 2009 Chapter D19 – Former Corrimal Coke Works Site	Christina Dunn For Recommendation
3	Post Exhibition – Wollongong Development Control Plan 2009 Chapter D19 – Former Corrimal Coke Works Site	Angus Kelly For Recommendation
4	Post Exhibition – Wollongong City Heritage Study and Planning Proposal	Les Dion Dion Group of Companies Against Recommendation
4	Post Exhibition – Wollongong City Heritage Study and Planning Proposal	Paul Bottele Strone Properties Pty Ltd Against Recommendation

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

## CALL OF THE AGENDA

- 682** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that the staff recommendations for Items 1, 2 then 5 to 9 inclusive be adopted as a block.

## ITEM A - LORD MAYORAL MINUTE - ULURU STATEMENT FROM THE HEART

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

- 1 Develop a response to the Uluru Statement from the Heart in alignment with the Wollongong City Council Reconciliation Action Plan.
- 2 Continue to engage with the local Aboriginal community and organisations to provide a First Nations voice as per Wollongong City Council's Aboriginal Engagement Framework.
- 3 Acknowledge the Aboriginal groups of the Illawarra as the First Nations peoples whose sovereignty was never ceded.

## ITEM 1 - PUBLIC EXHIBITION - WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 682)

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

- 1 The draft Wollongong City-Wide Development Contributions Plan (2022) (Attachment 1 of the report on the matter), be exhibited for a minimum of 28 days
- 2 Following the exhibition period, a report on submissions be prepared for Council's consideration, along with a recommendation regarding adoption.

## ITEM 2 - POST EXHIBITION - WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 CHAPTER C1 - ADVERTISING SIGNAGE AND STRUCTURES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 682)

- COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that Wollongong Development Control Plan 2009 Chapter C1: Advertising Signage and Structures be adopted and a notice be placed on Council's website advising of its adoption.

## DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor Cox departed the meeting at 6:51 pm and was not present for the debate nor voting on Item 3. Councillor Cox returned to the meeting at 7:24 pm at the conclusion of Item 3.

### **ITEM 3 - POST EXHIBITION - WOLLONGONG DEVELOPMENT CONTROL PLAN 2009: CHAPTER D19 FORMER CORRIMAL COKE WORKS SITE**

**684 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Kershaw seconded Councillor Dorahy that the site specific Wollongong Development Control Plan 2009 Chapter D19: Former Corrimal Coke Works Site be adopted and a notice be placed on Council's website with the addition of "Design of this space to provide flexibility to accommodate a designated off-leash area (fully fenced) if declared as such, excluding the 100m buffer zone from the Flying Fox camp." to the end of Clause 7.5.2.

*Variation The variation moved by Councillor A Martin (the addition of "Design of this space to provide flexibility to accommodate a designated off-leash area (fully fenced) if declared as such" to the end of clause 7.5.2.) was accepted by the mover and seconder.*

*Variation The variation moved by Councillor Blakey (the addition of "excluding the 100m buffer zone from the Flying Fox camp") was accepted by the mover and seconder.*

#### **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 - WOLLONGONG CITY CENTRE HERITAGE STUDY AND PLANNING PROPOSAL**

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

- 1 In response to submissions received as part of the public exhibition, the exhibited draft Planning Proposal be amended to remove the following three items which will no longer be progressed as local heritage items on Schedule 5 of the Wollongong LEP 2009 -
  - a Seventh Day Adventist Church, 30 Victoria Street, Wollongong,
  - b Gloucester House, 82-84 Kembla Street Wollongong, and
  - c Federation House, 3 Hercules Street, Wollongong.
- 2 The draft Planning Proposal Heritage Maps be updated to reflect the proposed reduced heritage curtilage, in response to the outcomes of the exhibition for the following items -
  - a Caldwell's Building, 280-282 Crown Street, Wollongong,
  - b Kawarra Chambers, 118-124 Crown Street, Wollongong, and
  - c Former Berlei Building, 43-47 Denison Street, Wollongong.
- 3 The draft Planning Proposal progress the heritage listing of the following properties, as exhibited -
  - a Archaeological Site of Wollongong Gaol\* 84, 86, 88 Cliff Road and 2, 4 and 6 Robertson Street, Wollongong. (\* = archaeological item).
  - b Archaeological Remains of The Cricketers Arms Hotel\*, Corrimal Street Road Reserve - corner of Crown Street adjacent to 26-28 Burelli Street, Wollongong.
  - c "Bank Chambers" (Front of building to 6m), 127-131 Crown Street, Wollongong.
  - d Commercial Buildings (Front of building to 6m), 135, 137-139 Crown Street, Wollongong.
  - e Group of Commercial Buildings including the "Taylor Building" (Front of building to 6m), 98-102 Crown Street, Wollongong.
  - f Group of Commercial Buildings on Crown Street (Front of building to 6m), 98-102 Crown Street, Wollongong.

- g Queens Hotel Archaeological Site\*, 24 Crown Street, Wollongong.
  - h Interwar House, 11 Hercules Street, Wollongong.
  - i “Marlborough Court”, 4 Market Place, Wollongong.
  - j “Braemar Flats”, 29 Smith Street, Wollongong.
  - k “Kingston House”, 27A Smith Street, Wollongong.
  - l “Pious Society of St Charles Sacred Heart Church”, 28 Stewart Street, Wollongong.
- 4 The updated draft Planning Proposal to amend Schedule 5 of the Wollongong Local Environmental Plan 2009, and the proposed Heritage Maps (Attachment 4), including the addition of 16 new heritage items, be submitted to the NSW Department of Planning and Environment for review and finalisation through the preparation of an amended Local Environment Plan.
  - 5 The General Manager will thereafter proceed to exercise delegation as issued by the NSW Department of Planning and Environment under Section 3.36 of the Environmental Planning & Assessment Act 1979 (NSW), in relation to the final proposal.
  - 6 The Wollongong City Centre Heritage Study dated March 2022, as amended in response to the public exhibition (Attachment 3) be endorsed.
  - 7 Council note the suggested addition of heritage actions to the Exempt and Complying Development clauses of the Wollongong LEP 2009 to allow flexibility in the re-use and fit out of existing commercial tenancies within the City Centre for further investigation.
  - 8 The listing of the group of shops on Keira Street, 100-120 Keira Street, Wollongong be deferred pending further advice.

#### **DEPARTURE OF COUNCILLOR**

During debate and prior to voting on Item 4, Councillor R Martin departed and returned to the meeting, the time being from 7:27 pm to 7:28 pm.

#### **ITEM 5 - POST EXHIBITION - REVISED DRAFT PLANNING PROPOSAL - 117 DARKES FOREST ROAD, DARKES FOREST**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 682)

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

- 1 The Planning Proposal for 117 Darkes Forest Rd, Darkes Forest (Lot 86 DP 752054) be progressed to finalisation, through an amendment to the Wollongong Local Environmental Plan 2009 to -
  - a rezone parts of Lot 86 DP 752054 (the areas surrounding the existing dwelling and mine-related infrastructure) from C2 Environmental Conservation to C3 Environmental Management (Attachment 2) with a Maximum Building Height of 9m
  - b include Artisan food and drink industry in Schedule 1 Additional Permitted Uses for the northern part Lot 86 DP752054 within the C3 Environmental Management zone and waste-water treatment management on the southern part Lot 86 DP752054 within the C3 Environmental Management zone.
- 2 The final Planning Proposal be referred to the NSW Department of Planning and Environment for the making of arrangements for drafting to give-effect to the final proposal.
- 3 The General Manager will thereafter proceed to exercise delegation as issued by the NSW Department of Planning and Environment under Section 3.36 of the Environmental Planning & Assessment Act 1979 (NSW), in relation to the final proposal.

## **ITEM 6 - LATE REPORT: ILLAWARRA PERFORMING ARTS CENTRE (IPAC) - REFURBISHMENT WORKS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 682)

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

- 1 Pursuant to Section 55(3)(i) of the Local Government Act 1993, Council resolves not to re-tender for the contract (or contracts) because of extenuating circumstances due to the program time constraints for the replacement and / or renewal across several areas of the Illawarra Performing Arts Centre (IPAC) facility, including roof sheeting replacement, new theatre seating and carpets, foyer, bar area and toilet facility upgrades.
- 2 Council delegate to the General Manager the authority to undertake and finalise a formal quotation process, in accordance with Council's procurement policies and procedures with available contractors with demonstrated experience and ability to undertake the works with a view to enter a contract (or contracts) for these works.
- 3 Council delegate to the General Manager authority to enter a contract (or contracts) with the contractor or contractors selected following the process outlined at 2 above.
- 4 A report describing the outcome of the procurement process be submitted to the next available Council meeting following the successful engagement of contractor or contractors.

## **ITEM 7 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL - ANNUAL FEES PAYABLE TO LORD MAYOR AND COUNCILLORS 1 JULY 2022 TO 30 JUNE 2023**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 682)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that the annual fees payable for the period 1 July 2022 to 30 June 2023 be -

- 1 \$33,330 for each Councillor including the Lord Mayor.
- 2 \$103,840 additional fee for the Lord Mayor.

## **ITEM 8 - APRIL 2022 FINANCIALS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 682)

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

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

## **ITEM 9 - STATEMENT OF INVESTMENT - APRIL 2022**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 682)

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

**ITEM 10 - NOTICE OF MOTION - COUNCILLOR TANIA BROWN - WORLD PRIDE 2023**

**686 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor T Brown seconded Councillor R Martin that noting WorldPride 2023 will be held in Sydney from 17 February to 5 March 2023, the first time it will be held in the Southern Hemisphere, and is to incorporate the Sydney Gay and Lesbian Mardi Gras -

- 1 Council investigate, in consultation with Destination Wollongong, entering a Wollongong Float in the Pride March to be held on 5 March 2023 in conjunction with local LGBTQIA+ organisations and community groups.
- 2 A briefing be arranged addressing any financial or feasibility implications.

*Variation* The variation moved by Councillor Bradbery (the addition of "In consultation with Destination Wollongong" to point 1) was accepted by the mover and seconder.

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

*Against* Councillor Figliomeni

**THE MEETING CONCLUDED AT 8:09 PM**

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Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 27 June 2022.

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Chairperson