



## MINUTES

## ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 31 July 2023

**Present**

Lord Mayor – Councillor Gordon Bradbery AM (in the Chair)  
Councillor Ann Martin  
Councillor Cameron Walters  
Councillor Cath Blakey  
Councillor David Brown  
Councillor Dom Figliomeni  
Councillor Elisha Aitken  
Councillor Janice Kershaw (attended via audio-visual link)  
Councillor Richard Martin

**In Attendance**

General Manager	Greg Doyle
Director Infrastructure + Works, Connectivity Assets + Liveable City	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
Chief Financial Officer	Brian Jenkins
Chief Information Officer	Ingrid McAlpin
General Counsel	Jeff Reilly
Manager Governance + Customer Service	Todd Hopwood
Manager City Strategy	Chris Stewart
Manager Infrastructure Strategy + Planning (Acting)	Nathan McBriarty
Manager Community Cultural + Economic Development	Sue Savage
Land Use Planning Manager	David Green

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

Note: Council resolved on 6 February 2023 to grant Councillor T Brown a leave of absence from 22 July to 26 August 2023.

Council resolved on 26 June 2023 to grant Councillor Dorahy a leave of absence from 2 July to 31 July 2023 and Councillor Linda Campbell from 27 July to 10 August 2023.

**Apologies**

Min No.

**838** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown scolded Councillor Walters that the apology tendered on behalf of Councillor Cox be accepted.

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## CONFLICTS OF INTERESTS

Councillor Dom Figliomeni declared a non-significant, non-pecuniary interest in Item 3 - Public Exhibition - Draft Planning Agreement - Former Port Kembla Public School, Military Road, Port Kembla, as he lives in close proximity to the site. Councillor Figliomeni advised he would depart the meeting during debate and voting on the item.

Councillor Ann Martin declared a non-significant, non-pecuniary interest in Item 1 - North Beach State Heritage Precinct - Proposed Expansion of Heritage Precinct, Item 4 - Public Exhibition - Planning Proposal - Road and Rail Corridor Rezoning and Land Reservation Acquisition Map Amendment, Item 5 - Public Exhibition - Planning Proposal - Reclassification 340 West Dapto Road, Stream Hill, and Item 8 - Post Exhibition - Planning Proposal 'Miala' House and Dairy Complex, 410 Marshall Mount Road, Marshall Mount, due to her employment with the Department of Planning and Environment. As she does not work on planning matters related to the Wollongong LGA, Councillor Ann Martin advised she would remain in the meeting during debate and voting on the item.

Councillor Ann Martin declared a non-significant, non-pecuniary interest in Item 3 - Public Exhibition - Draft Planning Agreement - Former Port Kembla Public School, Military Road, Port Kembla, as she has previously advocated for cultural facilities and artist workshops on the site prior to its sale to the current owner. Councillor Ann Martin advised she would remain in the meeting during debate and voting on the item.

## PRESENTATIONS

The Lord Mayor, Councillor Bradbery, presented a trophy and certificate awarded to Wollongong City Council by the National Sports and Physical Activities Convention which took place in Melbourne on 27-28 July. Council was awarded the Recreation and Play Innovation Award in the Major Events Promotion category recognising Wollongong's achievements in delivering the 2022 UCI Road World Championships.

The Lord Mayor, Councillor Bradbery offered condolences on behalf of Council on the passing of Professor Justin Yerbury AM, following a lengthy battle with Motor Neurone Disease (MND). Professor Yerbury was renowned for his cutting-edge work on the pathology of MND. Professor Yerbury was awarded the Keys to the City in 2022 to recognise his efforts and legacy for the Wollongong community. Professor Yerbury was recognised as Wollongong Citizen of the Year in the Australia Day Awards in 2019 and received the Order of Australia in 2020 for significant service to education and research in the field of Biological Sciences. A moment of silence was observed.

## CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 26 JUNE 2023

**839** **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 Monday, 26 June 2023 (a copy having been circulated to Councillors) be taken as read and confirmed.

Minute No.

## PUBLIC ACCESS FORUM

ITEM NO	TITLE	NAME OF SPEAKER
7	POST EXHIBITION - DRAFT POLICY FOR COUNCIL RELATED DEVELOPMENT AND COMMUNITY PARTICIPATION PLAN AMENDMENTS	RONALD KNOWLES <b>AGAINST RECOMMENDATION</b>
22	NOTICE OF MOTION - COUNCILLOR CATH BLAKEY - BICYCLE PARKING SECURITY	PHILLIP BALDING <b>FOR RECOMMENDATION</b>

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

### CALL OF THE AGENDA

**811 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Blakey that the staff recommendations for Items 4 to 6 inclusive and then 8 to 20 inclusive be adopted as a block.

### ITEM 1 - NORTH BEACH STATE HERITAGE PRECINCT - PROPOSED EXPANSION OF HERITAGE PRECINCT

**842 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Blakey that the General Manager be delegated authority to finalise the draft submission (Attachment 3) to the NSW Heritage Council Listings Committee and Heritage NSW, advising that -

- a The expansion of the curtilage of the North Beach State Heritage Precinct is not supported as adequate protections are already in place and Council has demonstrated its commitment to the restoration and protection of the North Beach Surf Life Saving Club.
- b If the Committee resolves to proceed with the expansion of the curtilage, the list of site-specific exemptions outlined in this report are included as part of the listing to enable practical on-going management of the heritage assets within the precinct.

### ITEM 2 - INTERPRETER SERVICE - FUTURE DIRECTION

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

- 1 Council discontinues the Interpreter Service from 31 August 2023.
- 2 An Information Note be provided to Councillors, after 12 months of Council discontinuing the service, to detail how local residents and agencies are accessing interpreter services, if there is unmet demand for the services and developments in the sector generally.

### DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor Figliomeni departed the meeting at 6:32 and was not present for the debate nor voting on Item 3. Councillor Figliomeni returned to the meeting at 6:39 at the conclusion of Item 3.

**ITEM 3 - PUBLIC EXHIBITION - DRAFT PLANNING AGREEMENT - FORMER PORT KEMBLA PUBLIC SCHOOL, MILITARY ROAD, PORT KEMBLA**

**844 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor A Martin seconded Councillor Walters that -

- 1 The draft Planning Agreement and Explanatory Note between Wollongong City Council and the proponent for the former Port Kembla Public School site, be exhibited for a period of at least 28 days.
- 2 If there are no major issues raised in submissions, the General Manager be delegated authority to determine, finalise and execute the Planning Agreement, including making minor amendments, after consideration of any issues raised in the public exhibition.

**ITEM 4 - PUBLIC EXHIBITION - PLANNING PROPOSAL - ROAD AND RAIL CORRIDOR REZONING AND LAND RESERVATION ACQUISITION MAP AMENDMENT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

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

- 1 A Planning Proposal be prepared for multiple lots adjacent to Memorial Drive, the Albion Park Rail bypass and the Mt Kembla rail line, to amend the land use zoning, floor space ratio, minimum lot size, maximum building height and land reservation acquisition maps as indicated in Attachments 1, 2 and 3.
- 2 The Planning Proposal be forwarded to the NSW Department of Planning and Environment for a Gateway Determination to enable exhibition.
- 3 Following Gateway Determination, the Planning Proposal be exhibited for a minimum period of 28 days.
- 4 Following the exhibition period, a report on submissions be prepared for Council's consideration.
- 5 The NSW Department of Planning and Environment be advised that Council wishes to use its delegations to finalise the Planning Proposal.

**ITEM 5 - PUBLIC EXHIBITION - PLANNING PROPOSAL - RECLASSIFICATION 340 WEST DAPTO ROAD, STREAM HILL**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

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

- 1 A Planning Proposal be prepared to reclassify 340 West Dapto Road, Stream Hill as Operational Land.
- 2 The Planning Proposal be referred to the NSW Department of Planning and Environment for Gateway Determination.
- 3 Following the issuing of a Gateway Determination, the Planning Proposal be exhibited for a minimum period of 28 days. A public hearing be held as part of the consultation process.
- 4 The NSW Department of Planning and Environment be advised that Council as the landowner, does not seek to use its delegation to progress the finalisation of the Planning Proposal, following exhibition.

## **ITEM 6 - POST-EXHIBITION: DRAFT COMMUNITY ENGAGEMENT STRATEGY COUNCIL POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Blakey that Council endorse the draft Community Engagement Strategy Council Policy.

## **ITEM 7 - POST EXHIBITION - DRAFT POLICY FOR COUNCIL RELATED DEVELOPMENT AND COMMUNITY PARTICIPATION PLAN AMENDMENTS**

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

- 1 The following documents be adopted -
  - a Council Policy: Managing Conflict of Interest for Council Related Development (Attachment 2).
  - b Updated Community Participation Plan (Attachment 3).
- 2 A notice be published on Council's website advising of the adoption of the documents.

## **ITEM 8 - POST EXHIBITION - PLANNING PROPOSAL 'MIALA' HOUSE AND DAIRY COMPLEX, 410 MARSHALL MOUNT ROAD, MARSHALL MOUNT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

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

- 1 The Planning Proposal be finalised to amend the Wollongong Local Environmental Plan 2009, by:
  - a Adding 'Miala' House and Dairy Complex including fig trees\*, 410 Marshall Mount Road, Marshall Mount to the Heritage Schedule and Heritage Map, as a local heritage item.
  - b Amending the Minimum Lot Size Map to increase the minimum lot size of the proposed heritage curtilage area from 449m<sup>2</sup> to 4999m<sup>2</sup>.
- 2 The General Manager 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 9 - LORD MAYOR - ATTENDANCE AT 2023 ASIA PACIFIC CITIES SUMMIT AND MAYORS' FORUM IN BRISBANE**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Blakey that Council approve the Lord Mayor's attendance at the 2023 Asia Pacific Cities Summit and Mayors' Forum in Brisbane from 11 to 13 October 2023.

#### **ITEM 10 - COUNCIL MEETING DATES 2024**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Blakey Council adopt the Ordinary Council Meeting dates for 2024 as detailed in this report.

#### **ITEM 11 - PUBLIC EXHIBITION - DRAFT DATA BREACH RESPONSE POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

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

- 1 The draft Data Breach Response Policy be placed on public exhibition for a period of 28 days.
- 2 A further report be provided to Council at the conclusion of the exhibition period.

#### **ITEM 12 - PUBLIC EXHIBITION - FRAUD AND CORRUPTION PREVENTION POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

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

- 1 The draft Fraud and Corruption Prevention Policy be placed on public exhibition for a period of 28 days.
- 2 A further report be provided to Council at the conclusion of the exhibition period.

#### **ITEM 13 - PUBLIC EXHIBITION - PUBLIC INTEREST DISCLOSURES POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

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

- 1 The draft Public Interest Disclosures Policy be placed on public exhibition for a period of 28 days.
- 2 A further report be provided to Council at the conclusion of the exhibition period.

#### **ITEM 14 - PUBLIC EXHIBITION - UNSOLICITED PROPOSALS POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

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

- 1 The draft Unsolicited Proposals Policy be placed on public exhibition for a period of 28 days.
- 2 A further report be provided to Council at the conclusion of the exhibition period.



**ITEM 15 - POLICY REVIEW - CRIME PREVENTION**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Blakey that Council endorse the revocation of the Crime Prevention Policy.

**ITEM 16 - POLICY REVIEW - RELATED PARTY DISCLOSURES COUNCIL POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Blakey that Council revoke the Related Party Disclosures Council Policy and endorse the conversion to a Procedure.

**ITEM 17 - TENDER T1000061 - PROVISION OF LEGAL SERVICES TO COUNCIL**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

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

- 1 In accordance with the Local Government (General) Regulation 2021, Section 178(1)(a), Council accept the tenders of Bartier Perry, Marsdens, Kells, HWL Ebsworth and Hall & Wilcox (Employment/Workers Compensation only) to provide legal services to Council for a term of five years.
- 2 Council delegate to the General Manager the authority to finalise and execute the contracts and any other documentation required to give effect to this resolution.

**ITEM 18 - TENDER T1000077 - AFFORDABLE HOUSING (ROUND 3)**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2021, Council accepts in principle the tender of Head Start Homes Limited trading as Head Start Homes for the delivery of an Affordable Home Ownership – Scheme, in the sum of \$5,000,000 excluding 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 be provided with a further report on completion of the contract finalisation process for Council's consideration prior to execution of any contract.
- 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 19 - STATEMENT OF INVESTMENT - JUNE 2023**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Blakey that Council receive the Statement of Investment for June 2023.

## **ITEM 20 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING MINUTES OF MEETING HELD ON 11 JULY 2023**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 841)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Blakey that in accordance with the delegated authority to Council, the Minutes and Recommendations of the Wollongong Traffic Committee held on 11 July 2023 in relation to Regulation of Traffic as outlined within this report, be adopted.

## **ITEM 21 - NOTICE OF MOTION - COUNCILLOR RICHARD MARTIN - NOISE CAMERAS**

**846 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor R Martin seconded Councillor Figliomeni that Wollongong City Council write to the NSW State Government, the Environment Protection Authority and the NSW Police, requesting that the Wollongong Local Government Area be considered in the trial of new camera and sound technology that will catch drivers with loud cars and motorcycles.

## **ITEM 22 - NOTICE OF MOTION - COUNCILLOR CATH BLAKEY - BICYCLE PARKING SECURITY**

**847 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Blakey seconded Councillor Figliomeni that Council -

- 1 Write to the new Minister for Transport and state members for Heathcote, Keira, Shellharbour and Wollongong, requesting bicycle security sheds at train stations within the Wollongong Council area, noting the community priorities for –
  - a North Wollongong Station
  - b Wollongong Station
  - c Thirroul Station
  - d Dapto Station
  - e Unanderra Station
  - f Helensburgh Station
  - g Coniston Station, and
  - h Austinmer Station
- 2 Include provisions for bicycle security and secure bicycle parking in the up-coming integrated transport strategy at railway stations.
- 3 Work with state agencies and community partners to publicise BikeVAULT, encouraging residents to register their bicycles on it, and report any theft."

*Variation The variation move by Councillor D Brown (the addition of Points 1e and 1f) was accepted by the mover and seconder.*

*Variation The variation move by Councillor Walters (the addition of Points 1g and 1h) was accepted by the mover and seconder.*

## **THE MEETING CONCLUDED AT 7:14**

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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 28 August 2023.

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Chairperson