



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 30 January 2017

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin, Blicavs, Dorahy, Colacino, Curran and Petty

In Attendance

General Manager – D Farmer, Director Corporate and Community Services – Creative, Engaged and Innovative City (Acting) – K Hunt, Director Infrastructure and Works – Connectivity, Assets and Liveable City (Acting) – G Doyle, Director Planning and Environment – Future, City and Neighbourhoods – A Carfield, Manager Governance and Information (Acting) – J Reilly, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning – R Campbell, Manager Community Cultural and Economic Development (Acting) – S Savage, Manager City Works and Services – M Roebuck, Manager Project Delivery – G Whittaker, Manager Human Resources – T Tyrpenou, Manager Development Assessment and Certification – M Riordan and Manager Regulation and Enforcement – J Nicol

Apologies

- COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Blicavs that the apology tendered on behalf of Councillors Crasnich and Dorahy be accepted.

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DISCLOSURE OF INTERESTS

Councillor Martin declared a non-pecuniary, non-significant conflict of interest in Item 1 insofar as it is a Planning Proposal which will involve her employer, the Department of Planning and Environment. However, Councillor Martin advised she has no involvement in this matter.

Councillor Curran declared a non-pecuniary, non-significant interest in Item D as she was previously a Council employee, however did not work on this matter. She also advised that she was a previous member of Wollongong Against Corruption, Protect our Parks Incorporated and several State-wide groups which are interested in governance and management of Crown Land. Councillor Curran advised that she would remain at the meeting during debate and voting on the matter.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 12 DECEMBER 2016

- 3 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the Minutes of the Ordinary Meeting of Council held on Monday, 12 December 2016 (a copy having been circulated to Councillors) be taken as read and confirmed.

CONFIRMATION OF MINUTES OF EXTRAORDINARY MEETING OF COUNCIL HELD ON MONDAY, 16 JANUARY 2017

- 4 **COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Brown seconded Councillor Blicavs that the Minutes of the Extraordinary Meeting of Council held on Monday, 16 January 2017 (a copy having been circulated to Councillors) be taken as read and confirmed, subject to the deletion of references to abstentions in the voting record.

In favour Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Colacino and Bradbery
Against Councillors Merrin, Curran and Petty

PUBLIC ACCESS FORUM - ACCESS TO DOCUMENTS ON COUNCIL'S WEBSITE

Mr J Riggall stated that transparency and accountability are essential to ensure good governance. However he said it was somewhat confusing why Council now proposes to provide a dedicated single point of web access, when motions by Councillors calling for detailed reports were rejected at Council meetings on 28 April 2014, 9 March 2015, 18 May 2015 and most recently on 16 January 2017. The time-honoured process is for elected members to consider comprehensive and factual reports and recommendations to assist in making decisions.

The proposed single point of web access is not clear, and may even be counter-productive by providing volumes of uncorrelated data. Mr Riggall requested that the Lord Mayor and/or the General Manager advise tonight's Council meeting of the aim, scope and objectives of this proposal and procedures. In conclusion, Mr Riggall thought that this proposal may also create a precedent, which raises questions such as will web access be provided for other major and controversial developments such as the Gateway proposal, or projects such as The Blue Mile Master Plan.

- 5 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Martin that Mr Riggall be thanked for his presentation.

CALL OF THE AGENDA

- 6 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that staff recommendations for Items 2, 4, and 6 to 10 inclusive, be adopted as a block.

ITEM D - LORD MAYORAL MINUTE - SKYDIVING ACTIVITIES - STUART PARK

The following PROCEDURAL MOTIONS were MOVED and CARRIED to allow an extension of time for the following Councillors to address the meeting in relation to Item D –

- Moved by Councillor Petty seconded Councillor Merrin – five minutes for Councillor Curran.
- Moved by Councillor Merrin seconded Councillor Curran – five minutes for Councillor Petty.

- 7 **COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Bradbery that -

- 1 Council's resolution of 27 April 2015 be reaffirmed and, in particular, the following points of that resolution be noted -
 - a Point 1 which in part states "...Council support in principle the activity of skydiving at Stuart Park and reaffirm this component of the Blue Mile Master Plan"; and,
 - b Point 4 which in part states "Seek approval from Crown Lands Division (Deputy Director General) to deal directly, and prior to this process starting, Council acquire two independent valuations, the highest will form the basis of our negotiations with the current lessee/licensee ...".
- 2 Council reaffirm its policy and procedures for the assessment of development applications, as recommended by ICAC and set out in the Independent Hearing and Assessment Panel (IHAP) Charter adopted by Council on 27 May 2008 and most recently reviewed on 14 September 2015.
- 3 Council acknowledge that Skydive the Beach has been operating from Stuart Park since 1999 and presents a unique business activity as outlined in the resolution of Council of 27 April 2015.
- 4 A Position Paper come to Council setting out the basis on which any valuation is made.
- 5 With the construction of any replacement skydiving and integrated public toilets, café facility, the associated lease and skydiving licence operations in Stuart Park be determined by resolution of Council; not under delegated authority.
- 6 Council provide a dedicated single point web access to relevant background documents pertaining to the Skydive the Beach proposal.
- 7 Council receive an urgent briefing on matters relating to Stuart Park, including current Plans of Management, leases and licences, staff actions in relation to these matters, and the legal implications.

Variation The following variations were accepted by the mover –

- Councillor Brown (the addition of Part 7); and,
- Councillor Curran (the addition of Part 4).

A PROCEDURAL MOTION was MOVED by Councillor Curran seconded Councillor Merrin that this matter lay on the table. The PROCEDURAL MOTION on being PUT to the VOTE was LOST.

The Lord Mayor's MOTION on being PUT to the VOTE was CARRIED.

In favour Councillors Kershaw, Connor, Brown, Martin, Takacs, Merrin, Blicavs, Colacino and Bradbery
Against Councillors Curran and Petty

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item E, Councillor Blicavs departed and returned to the meeting, the time being from 7.39 pm to 7.40 pm.

ITEM E - LORD MAYORAL MINUTE - URGENT REVIEW AND ASSESSMENT

8 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that -

- 1 The General Manager undertake an urgent review and assessment of why appropriate staff and subsequently Councillors were not made aware of an “Assessment of Heritage Significance” report pertaining to the former “Caretaker’s Cottage, Stuart Park, North Wollongong”. This review be presented to Councillors by March 2017, and include -
 - a A chronology of actions and responsibilities (or failure thereof) pertaining to the authorisation, commissioning, receipt of, escalation, prioritisation and inclusion of the “Assessment of Heritage Significance” report and its recommendations in further considerations by Council.
 - b An investigation as to the reasons why this document was not placed in the Council’s records system.
- 2 The Professional Conduct Coordinator be engaged to review staff behaviour and practices in this matter resulting in the General Manager instructing the withdrawal of DA-2017/36.
- 3 An update be provided to Councillors on Monday, 6 February in relation to this matter and the briefing cover any impacts that the information in the “Assessment of Heritage Significance” report may have had on the assessment of development application DA-2014/306.

Variation The variation moved by Councillor Curran (the addition of the words to Part 3 “and the briefing cover any impacts that the information in the “Assessment of Heritage Significance” report may have had on the assessment of development application DA-2014/306”) was accepted by the mover.

MOTION OF DISSENT

Councillor Merrin MOVED a MOTION OF DISSENT from the Lord Mayor’s ruling that her Notice of Motion (Item B) had already been dealt with in that it had been incorporated into the resolution for Item D. The MOTION OF DISSENT on being PUT to the VOTE was LOST.

SUSPENSION OF STANDING ORDERS

9 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Brown that Item C be considered as the next item of business under Suspension of Standing Orders.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item C, Councillor Connor departed and returned to the meeting, the time being from 8.17 pm to 8.19 pm.

During debate and prior to voting on the Foreshadowed Motion, Councillor Colacino departed and returned to the meeting, the time being from 8.53 pm to 8.55 pm.

ITEM C - NOTICE OF MOTION - COUNCILLOR MERRIN - TRUST FUND

MOVED by Councillor Merrin seconded Councillor Curran that Council set up a separate Trust Fund for the management and reporting of monies relating to Council's role as Trustee for Crown lands.

At this stage, Councillor Petty FORESHADOWED a MOTION should Councillor Merrin's Motion be defeated.

Councillor Merrin's MOTION on being PUT to the VOTE was LOST.

In favour Councillors Merrin and Curran

Against Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Colacino, Petty and Bradbery

Following the defeat of Councillor Merrin's Motion, Councillor Petty's FORESHADOWED MOTION became the MOTION.

MOVED by Councillor Petty seconded Councillor Curran that Council write to the Audit Office and Crown Lands Department seeking advice on Council's responsibilities under the Crown Lands Act and Trustees Act and in particular, any requirements to include separate Trusts/bank accounts.

Variations The following variation was accepted by the mover –

- *Councillor Curran (the addition of the words "Auditor-General and", as well as "and Trustees Act") was accepted by the mover.*

The following variations were accepted by the mover and seconder -

- *Councillor Bradbery (the word "directions" changed to "advice"); and,*
- *Councillor Merrin (the words "Auditor-General" changed to "Audit Office").*

Councillor Petty's MOTION on being PUT to the VOTE was LOST.

In favour Councillors Martin, Merrin, Curran and Petty

Against Councillors Kershaw, Connor, Brown, Takacs, Blicavs, Colacino and Bradbery

Standing Orders were resumed.

ITEM A - NOTICE OF MOTION - COUNCILLOR MERRIN - POLICY REVIEW - PRIVATE PRINCIPAL CERTIFYING AUTHORITY (PCA) COMPLAINT

10 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Colacino that –

- 1 Council review its 'Private Principal Certifying Authority Complaint Policy' as a matter of urgency.
- 2 The review be the subject of a Councillor Briefing Session on 6 March 2017 so that Councillors can raise issues of concern, prior to the policy being referred to Council for adoption.
- 3 Pending the outcome of the review Council formally write to the Minister for Planning, The Hon Anthony Roberts MP, identifying the concerns outlined in the review.

Variations The following variations were accepted by the mover and seconder –

- *Councillor Kershaw (the addition of Part 2); and,*
- *Councillor Martin (the addition of Part 3).*

ITEM B - NOTICE OF MOTION - COUNCILLOR MERRIN - STUART PARK BRIEFING

Item B was incorporated into the resolution for Item D – Lord Mayoral Minute – Skydiving Activities – Stuart Park (refer to Part 7 of that resolution and Minute Number 7).

ITEM 1 - PLANNING PROPOSAL FOR AMENDMENTS TO STATE ENVIRONMENTAL PLANNING POLICY (THREE PORTS) 2013 FOR THE PORT KEMBLA PRECINCT - POST EXHIBITION REPORT

- 11 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Martin seconded Councillor Connor that the Planning Proposal be forwarded to the NSW Department of Planning and Environment for amendments to State Environmental Planning Policy (Three Ports) 2013 be prepared and made.

ITEM 2 - TENDER T16/32 - BLUE MILE TRAMWAY SEAWALL AND SHARED PATH UPGRADE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Ertech Pty Ltd for the Blue Mile Tramway Seawall and Shared Path Upgrade, in the sum of \$7,943,015.37, 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 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 3 - TENDER T16/29 - STAGE 2 CONSTRUCTION OF A NEW LANDFILL CELL AT WHYTES GULLY

- 12 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Connor that -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Ertech Pty Ltd for Stage 2 – Construction of a new Landfill Cell at Whytes Gully, in the sum of \$6,372,224.58, 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 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 4 - REPLACEMENT AND ASSET LIFE EXTENSION OF PARKING METERS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION –

- 1 An exemption to the procurement policy be provided because of the extenuating circumstances regarding the timeframe of the meter upgrade in accordance with Section 55(3)(i) of the Local Government Act 1993.
- 2 Funding, in an amount equivalent to the quotation figure of \$501,451.44, be allocated from the 2016/17 Capital Budget to undertake the parking meter upgrade.
- 3 A purchase order be placed with Duncan Solutions to allow them to order necessary parts for the upgrade of the parking meters.

ITEM 5 - GENDER PAY EQUITY REPORTING

13 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Blicavs that -

- 1 The parameters, indices and benchmarks used in the Gender Equality Scorecard by the Workplace Gender Equality Agency (WGEA) relevant to Council's workplace, be adopted.
- 2 The indices to be reported on to include: workforce by employment status, workforce by gender, gender pay gap, women in management and youth employment program by gender.

ITEM 6 - DECEMBER 2016 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION –

- 1 The financials be received and noted.
- 2 Proposed changes in the Capital Works Program be approved.

ITEM 7 - STATEMENT OF INVESTMENTS - NOVEMBER AND DECEMBER 2016

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION – Council receive the Statement of Investments for November and December 2016.

ITEM 8 - QUARTERLY REPORT ON DEVELOPMENT APPLICATIONS INVOLVING VARIATIONS TO DEVELOPMENT STANDARDS - 1 JULY TO 30 SEPTEMBER 2016

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION – Council note the report.

ITEM 9 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF ELECTRONIC MEETINGS HELD 11 AND 13 JANUARY 2017

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION – In accordance with the powers delegated to Council, the Minutes and recommendations of the electronic meetings of the City of Wollongong Traffic Committee held on 11 January and 13 January 2017 in relation to the Regulation of Traffic be adopted.

ITEM 10 - BI-MONTHLY TABLING OF RETURNS OF DISCLOSURES OF INTEREST AND OTHER MATTERS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 6).

COUNCIL'S RESOLUTION – Council note the tabling of the Returns of Disclosures of Interest as required by Section 450A of the Local Government Act 1993.

THE MEETING CONCLUDED AT 9.36 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 20 February 2017.

Chairperson