



MINUTES

ORDINARY MEETING OF COUNCIL

Monday 28 July 2014

Present

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

In Attendance

General Manager – D Farmer, Director Corporate and Community Services – Creative, Engaged and Innovative City – G Doyle, Director Infrastructure and Works – Connectivity, Assets and Liveable City (Acting) – K Mondal, Director Planning and Environment – Future, City and Neighbourhoods – A Carfield, Manager Governance and Information – L Kofod, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Regulation and Enforcement – J Nicol, Manager Infrastructure Strategy and Planning – M Dowd and Manager Community Cultural and Economic Development (Acting) – S Savage

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DISCLOSURES OF INTERESTS

Councillor Martin declared a non-significant, non-pecuniary conflict of interest in Item 2 insofar as it may result in a Planning Proposal and she works for the Department of Planning and Environment.

Councillor Kershaw declared a non-pecuniary, significant conflict of interest in Item 6 as she is a Committee Member of a local surf club, her family are members of a surf club and her husband is a Club President.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 14 JULY 2014

128 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Dorahy that the Minutes of the Ordinary Meeting of Council held on Monday, 14 July 2014 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM

Ms M King believed that the idea of having dogs on beaches was fundamentally wrong. Unleashed dogs in any public space do not mix well. Sharkey's beach, particularly in summer, is a busy public space and designated, separate areas need to be made available for dog owners to exercise their animals, away from the general public. She asked how rangers could stop consistent barking and unwanted friendly or unfriendly behaviour. Also, despite what residents were initially told prior to the introduction of the policy, it was clear that Council lacked the resources to properly police its green zone at Sharkey's Beach.

Due to ongoing non-compliance, environmental issues and health concerns, Ms King asked that Sharkey's Beach become an orange zone, and that a fenced leash-free area be created in the large, unused section of land near the tennis courts at Shark Park. This area has a new carpark and toilets, and Ms King felt that such a proposal would alleviate many of the current problems.

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Mr R MacMaster said that Sharkey's Beach has always been heavily utilised and is a family-oriented and popular surfing and recreational beach, frequented by residents and visitors alike. The area is also the habitat of the endangered Sooty Oystercatcher and other wildlife.

Mr MacMaster felt that the current green zoning for Sharkey's Beach is proving to be untenable and was in direct contradiction of Council's Policy Statement "... that considers recommended Office of Local Government planning guidelines and establishes a best practice, balanced approach to access for dogs...". In conclusion, Mr MacMaster stated that the zoning had created direct conflict between dogs, their owners and people attempting to enjoy their beach, and it has further endangered the Sooty Oystercatcher and other wildlife.

Mr C Sherro stated that over recent years Council had pursued a regulation/enforcement-based approach in relation to management of off-leash dog areas in the Illawarra. The primary objective of this approach has been to control and restrict the activities of dog owners to designated areas rather than to seek to maximise the social and health benefits associated with dog ownership. Mr Sherro felt that this approach has resulted in the implementation of various Council regulations that have unduly and, in many cases, unnecessarily made it more difficult and onerous for responsible dog owners to adequately exercise and socialise their dogs. It also has, albeit inadvertently, encouraged an escalation of tensions between dog owners and non-dog owners. Moreover, it is important to remember that a well exercised and socialised dog is far less likely to exhibit aggressive behaviour than an under-exercised or under-socialised dog.

In conclusion, Mr Sherro said that pet ownership has been proven to have significant health benefits for humans and for older Australians, in particular. These benefits include lower blood pressure, reduced anxiety and depression, reduced triglyceride and cholesterol levels (ie the signs of heart disease) and improved immune systems. Also, faced with an increasingly aged and obese population, councils need to amend their current approach and attitude to dog owners and replace it with one that actively seeks to promote and facilitate dog ownership in the general community.

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

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CALL OF THE AGENDA

- 130 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Brown seconded Councillor Crasnich that the staff recommendations for Items 5 to 11 inclusive, be adopted as a block.

ITEM A – LORD MAYORAL MINUTE – REPORTING OF COUNCILLOR ATTENDANCE AT MEETINGS AND COMMITTEES (INCLUDING ADVISORY AND COMMITTEES)

- 131 COUNCIL'S RESOLUTION** - MOVED by Councillor Bradbery that Councillor attendance at Ordinary and Extraordinary Council Meetings, as well as Council Committees, Boards (where Councillors are Directors appointed by the Council), Council Advisory Committees, Councillor Briefing Sessions, Council Reference Groups and Working Parties (where Councillors are members nominated by Council) be recorded and reported in the Annual Report.

An AMENDMENT was MOVED by Councillor Merrin seconded Councillor Curran that Councillor attendance at Ordinary and Extraordinary Council Meetings, as well as Councillor and Community Members' attendance at Council Committees, Boards (where Councillors are Directors appointed by the Council), Council Advisory Committees, Councillor Briefing Sessions, Council Reference Groups and Working Parties (where Councillors are members nominated by Council) be recorded and reported in the Annual Report.

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

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

Councillor Bradbery's MOTION on being PUT to the VOTE was CARRIED UNANIMOUSLY.

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DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 1, Councillor Brown departed and returned to the meeting, the time being from 6.40 pm to 6.41 pm.

ITEM 1 - EXHIBITION OF AMENDED DOGS ON BEACHES AND PARKS POLICY

PROCEDURAL MOTIONS were MOVED, as follows, and five minute extensions were granted to address the meeting in relation to Item 1:

MOVED by Councillor Crasnich seconded Councillor Blicavs that an extension of time be granted to Councillor Colacino.

MOVED by Councillor Crasnich seconded Councillor Dorahy that an extension of time be granted to Councillor Merrin.

132 **COUNCIL'S RESOLUTION** - MOVED by Councillor Connor seconded Councillor Kershaw that -

- 1 The proposed changes to the Dogs on Beaches and Parks Policy be placed on public exhibition for a minimum period of 60 days, subject to the following -
 - a All current off-leash parks remain in their current form. These are:
 - Figtree Oval, Figtree
 - Proud Park, Helensburgh
 - Riley Park, Unanderra
 - Eleebana Reserve, Koonawarra
 - King George V Park, Port Kembla
 - b A new off-leash park be included as an off-leash area to cater for the West Dapto area and additional locations across the City, close to where people live, with the aim of increasing the number of locations. The locations be Public Recreation (RE1) zoned land and be considered via assessment of open space areas that will come into Council ownership.
 - c All off-leash beaches to remain the same with the exception of:
 - i The area between Sharkey's Beach off-leash area and the Headlands boat ramp car park to be altered from orange to red; and,

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- ii Bellambi Boat Harbour off-leash area be altered from a green zone to a red zone; and,
 - iii Sharkey's, Little Austinmer and McCauley's Beaches be altered from a green zone to a timed orange zone; and,
 - iv Stanwell Park Beach, including north of the lagoon, be an orange zoned beach on weekends and Public Holidays, and the existing zone be retained during Mondays to Fridays (except Public Holidays).
 - d Council improve transition areas by adding additional signage at Stanwell Park, Sharkey's, Little Austinmer, McCauley's, East Corrimal, MM, Port Kembla and Windang Beaches.
 - e Visual colour coded painting of existing dune timber fencing be undertaken to better demarcate transition zones.
- 2 Following public exhibition, a final draft policy be presented to Council for consideration.

Variation Variations moved by:

Councillor Colacino (the addition of Part 1 (c) (iv)) was accepted by the mover and seconder; and,

Councillor Kershaw (Part 1, 28 days replaced with 60 days) was accepted by the mover.

An AMENDMENT was MOVED by Councillor Petty seconded Councillor Merrin that –

- 1 The proposed changes to the Dogs on Beaches and Parks Policy be placed on public exhibition for a minimum period of 60 days, subject to the following -
 - a All current off-leash parks remain in their current form. These are:
 - Figtree Oval, Figtree
 - Proud Park, Helensburgh
 - Riley Park, Unanderra
 - Eleebana Reserve, Koonawarra
 - King George V Park, Port Kembla
 - b A new off-leash park be included as an off-leash area to cater for the West Dapto area and additional locations across the City,

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close to where people live, with the aim of increasing the number of locations. The locations be Public Recreation (RE1) zoned land and be considered via assessment of open space areas that will come into Council ownership.

- c All off-leash beaches to remain the same with the exception of:
 - i The area between Sharkey's Beach off-leash area and the Headlands boat ramp car park to be altered from orange to red; and,
 - ii Sharkey's Beach and Bellambi Boat Harbour off-leash areas be altered from a green zone to a red zone; and,
 - iii Little Austinmer and McCauley's Beaches be altered from a green zone to a timed orange zone; and,
 - iv Stanwell Park Beach, including north of the lagoon, be an orange zoned beach on weekends and Public Holidays, and the existing zone be retained during Mondays to Fridays (except Public Holidays).
 - d Council improve transition areas by adding additional signage at Stanwell Park, Sharkey's, Little Austinmer, McCauley's, East Corrimal, MM, Port Kembla and Windang Beaches.
 - e Visual colour coded painting of existing dune timber fencing be undertaken to better demarcate transition zones.
- 2 Following public exhibition, a final draft policy be presented to Council for consideration.

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

In favour
Against

Councillors Merrin and Petty

Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Dorahy, Colacino, Crasnich, Curran and Bradbery

Councillor Connor's MOTION on being PUT to the VOTE was CARRIED UNANIMOUSLY.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 2, the following Councillors departed and returned to the meeting:

Councillor Curran from from 7.28 pm to 7.30 pm; and

Councillor Colacino from 7.34 pm to 7.35 pm.

ITEM 2 - FARMBOROUGH HEIGHTS TO MT KEMBLA STRATEGIC PLANNING STUDY: E2 ENVIRONMENTAL CONSERVATION ZONING OPTIONS

MOVED by Councillor Brown seconded Councillor Blicavs that the future rezoning of areas recommended for an E2 Environmental Conservation zoning in the Farmborough Heights to Mt Kembla area be advanced through individual Planning Proposals, to ensure an improved environmental outcome through agreed management plans and funding mechanisms.

At this point, Councillor Takacs FORESHADOWED a MOTION should Councillor Brown's Motion be defeated.

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

In favour Councillor Blicavs

Against Councillors Kershaw, Connor, Brown, Martin, Takacs, Merrin, Dorahy, Colacino, Crasnich, Curran, Petty and Bradbery

Following the defeat of Councillor Brown's MOTION, Councillor Takacs FORESHADOWED MOTION then became the MOTION.

133 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Takacs seconded Councillor Merrin that this matter be deferred until it has been considered by the Escarpment Planning Reference Group.

ITEM 3 - WOLLONGONG WASTE AND RESOURCE RECOVERY STRATEGY

- 134** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that Council endorse the Waste and Resource Recovery Strategy 2022.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 4, Councillor Connor departed and returned to the meeting, the time being from 7.54 pm to 7.56 pm.

ITEM 4 - ADOPTION OF FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN FOR THE COMBINED CATCHMENTS OF WHARTONS, COLLINS AND FARRAHARS CREEKS, BELLAMBI GULLY AND BELLAMBI LAKE

- 135** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Curran that Council adopt the Floodplain Risk Management Study and Plan for the Combined Catchments of Whartons, Collins and Farrahars Creeks, Bellambi Gully and Bellambi Lake.

ITEM 5 - POLICY REVIEW - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO LORD MAYOR AND COUNCILLORS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 130).

COUNCIL'S RESOLUTION –

- 1 The draft amended Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors Policy be adopted in principle subject to being placed on public exhibition for a minimum period of 28 days with submissions invited from the public.
- 2 A further report be submitted to Council following conclusion of the public exhibition and engagement period, together with a summary of any submissions received.

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ITEM 6 - POLICY REVIEW - SURF CLUB SPONSORSHIP SIGNAGE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 130).

COUNCIL'S RESOLUTION - The Surf Club Sponsorship Signage policy be revoked.

ITEM 7 - FINANCIAL ASSISTANCE PROGRAM - 2014-15 GRANT FUNDING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 130).

COUNCIL'S RESOLUTION – Council note the report.

ITEM 8 - TENDER T14/17 PROVISION OF WATER MONITORING SERVICES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 130).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Australian Laboratory Services for the provision of water monitoring services to Council, in the annual sum of \$69,779, 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.

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ITEM 9 - TENDER T14/13 CORDEAUX ROAD SHARED PATHWAY, RETAINING WALL AND ROAD IMPROVEMENTS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 130).

COUNCIL'S RESOLUTION –

- 1 a In accordance with the Local Government (General) Regulation 2005, Clause 178(1)(b), Council decline to accept any of the tenders which Council has received for Tender T14/13 Mt Kembla Shared Path and Cordeaux Road Upgrade and resolve to enter into negotiations with one or all of the 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 the Local Government (General) Regulation 2005, Clause 178(4), the reason for Council hereby resolving to enter into negotiations with one or all of the tenderers or any other 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, with one or all of the tenderers or any other party, with a view to entering into a contract in relation to the subject matter of the tender.

ITEM 10 - STATEMENT OF INVESTMENTS - JUNE 2014

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 130).

COUNCIL'S RESOLUTION – Council receive the Statement of Investments for June 2014.

ITEM 11 - 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 130).

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.

ITEM 12 - IMPACT OF THE CARBON PRICE REPEAL ON WASTE MANAGEMENT

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Dorahy that an extension of time be granted to Councillor Blicavs to address the meeting. A three minute extension was granted.

MOVED Councillor Blicavs seconded Councillor Crasnich that -

- 1 Council endorse the removal of the carbon price from General Waste Disposal Gate Fees at Whytes Gully effective 1 August 2014.
- 2 Council investigate options to issue credit adjustments in the current year to ratepayers for the impact of the carbon price on the tipping fee on the annual domestic waste management charge since July 2012.
- 3 Council be provided a report regarding the balance of carbon price on tipping fees collected since July 2012, not relating to domestic waste, and how these funds might be used towards reducing environmental impacts within Wollongong.

136 COUNCIL'S RESOLUTION - An AMENDMENT was MOVED by Councillor Brown seconded Councillor Connor that –

- 1 Council endorse the removal of the carbon price from General Waste Disposal Gate Fees at Whytes Gully effective 1 August 2014.
- 2 Council maintain the domestic waste management charges adopted as part of the Annual Plan and Revenue Policy for 2014-15 that include a component for carbon price and reduce the price for 2015-16 to compensate.
- 3 Council note that due to a lack of current information or direction, a report will be provided in the future regarding the use of the carbon price revenue already collected.

Councillor Brown's AMENDMENT on being PUT to the VOTE was CARRIED.

In favour Councillors Kershaw, Connor, Brown, Martin, Takacs, Merrin, Curran and Bradbery

Against Councillors Blicavs, Dorahy, Colacino, Crasnich and Petty

Councillor Brown's AMENDMENT then BECAME the MOTION.

The MOTION on being PUT to the VOTE was CARRIED UNANIMOUSLY.

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CLOSED SESSION

ITEM 1 - CONFIDENTIAL - FLINDERS STREET MASTER PLAN

137 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Brown seconded Councillor Dorahy that the meeting be closed during consideration of the Flinders Street Master Plan in accordance with Section 10A 2(c) of the Local Government Act 1993 on the basis that –

- a The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- b On balance, the public interest in preserving the confidentiality of commercial information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting.

Prior to voting on the above motion, the Lord Mayor advised members of the gallery that this item related to the Flinders Street Master Plan and is classified as Confidential under Section 10A 2(c) of the Local Government Act 1993, which permits the meeting to be closed to the public, as the report contains commercial information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

In accordance with Section 10A (4) of the Local Government Act the Lord Mayor invited members of the gallery to make representations to the Council meeting as to whether this part of the meeting should be closed.

No submissions were received from the press or members of the gallery.

The MOTION on being PUT to the VOTE was CARRIED.

In favour Councillors Kershaw, Connor, Brown, Martin, Takacs, Merrin, Blicavs, Dorahy, Colacino, Crasnich and Bradbery

Against Councillors Curran and Petty

At this stage, the time being 8.24 pm, members of the press and gallery departed the Council Chambers.

The meeting moved into Closed Session, the time being 8.25 pm.

Council resumed into Open Session at 10.41 pm and members of the gallery were invited back into the Council Chambers.

RESOLUTION FROM THE CLOSED SESSION OF COUNCIL

138 ITEM 1 – FLINDERS STREET MASTER PLAN

The Lord Mayor advised that whilst in Closed Session, Council resolved to delegate to the General Manager, in consultation with the Lord Mayor, to continue discussions with the Flinders Street proponent concerning the contract and any other approaches from the proponent.

THE MEETING CONCLUDED AT 10.42 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 11 August 2014.

Chairperson