

at 6.00 pm

MONDAY 9 MARCH 2015

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin, 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 – M Hyde, 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 Environmental Strategy and Planning – R Campbell and Manager Development Assessment and Certification – M Riordan

Apologies

Min No.

22 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded Councillor Colacino that the apology tendered on behalf of Councillor Blicavs be accepted.

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DISCLOSURE OF INTERESTS

Councillor Martin declared a non-significant, non-pecuniary conflict of interest in Item 1 insofar as she works with the Department of Planning and Environment, and this matter may be referred to the Department at some point in future.

PETITION TO SAVE WONGAWILLI STREETScape

The Lord Mayor tabled a petition signed by 25 residents of Wongawilli Road, Wongawilli, objecting to Council's plans regarding the upgrade of Wongawilli Road and the proposal to remove the existing trees and reduce the width of the verge. The petitioners requested that the existing 7.2m verge, together with existing trees, be maintained and that all works and construction are undertaken to the north of this line, allowing the unique heritage and atmosphere of Wongawilli Village to be maintained in the face of surrounding development.

- 23 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that the petition be tabled.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 23 FEBRUARY 2015

- 24 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Curran that the Minutes of the Ordinary Meeting of Council held on Monday, 23 February 2015 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM – SKYDIVING ACTIVITIES – STUART AND DALTON PARKS

Mr Riggall thanked Council for the opportunity to speak at the Public Access Forum which, he said, will help Council achieve its aims to improve communications, assist in decision-making processes, get community input and also portray Council as open and accessible. He said that facts surrounding the many approvals for Skydive the Beach (STB) activities at Stuart Park over the past 15 years are emerging and past events needed to be acknowledged. He felt that we needed to learn, rather than just be critical of why support of STB seems to have outweighed the public interest. Also, we need to know if political issues took precedence over fundamental social, economic environmental and governance considerations and why proper returns have not been provided to the public.

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Council has obligations under NSW legislation to act in public interest and, as Trustee for Stuart Park, to act in the best interests of the State, which includes providing competitive processes and ensuring proper returns to the public. STB wants a new building and reportedly a 30-year tenancy at Stuart Park. Whilst the success of the business is recognised, there is considerable community opposition to continuing the alienation of this regional public park for private gain, and a viable alternative exists at Dalton Park, which STB now uses. In conclusion, Mr Riggall said that the Councillors have weathered very steep learning curves and now approach the last quarter of their five year term. It is now time to intervene and take into account relevant information, including market conditions, consider options and review processes, before allowing staff to continue. The Notice of Motion enables this to occur, and it supports the essentials of transparency, accountability and good governance.

Ms T Snow advised that she has been an employee of Skydive the Beach for some time and she has seen STB grow in recent times, providing her with good job security, close to home. This security has given her confidence to get a personal loan. On 26 February 2015, IRIS research issued a media release indicating that positive conditions surrounded the tourism sector as domestic overnight visitors increased by 6.4% compared to the previous period. The same report also indicated that youth unemployment rates worsened by 3.8% to 17%. She, along with 60% of current Head Office Staff, aged between 17 and 28 who also live in this area, are glad to have a job at STB.

Ms Snow said that STB's operations strongly support Destination Wollongong's drive to reinvent the City as a major lifestyle, tourism and events destination. STB is spending approximately \$900,000 per annum on marketing the business and Wollongong to its customers and potential customers. The business brings an economic benefit to the region in excess of \$20M per annum and every customer that comes to the Wollongong drop zone, on average, brings along 2.8 people. STB will bring 30 new full-time positions to the region with its current growth plans. In conclusion, Ms Snow asked Councillor Petty to rethink his motion and support local businesses, local employment and job security for the youth of the Illawarra, as she believed that she had job security in a region where good jobs, with genuine career paths, are few and far between.

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On behalf of 'Save Our Services Wollongong', Mr S Spencer said that Council has continued to allow Skydive the Beach to have exclusive use of a section of the iconic Stuart Park. He said that Council currently receives less than \$8,000 per annum for exclusive use of a large part of Stuart Park. He said that based on Skydive's own statement of what it pays Port Phillip Council in Victoria for skydiving there, Council should be receiving more than \$150,000 per annum, without taking into account the use of the building in the Park.

Mr Spencer thanked three Councillors for having a conversation with his Group and he asked that other Councillors do the same before forming a view on this matter. In conclusion, Mr Spencer felt that the view Councillors should take was blatantly obvious in that they should support Councillor Petty's motion and, in the public interest, put the use of Stuart Park on the market for open tender, thereby ensuring that Council and the community at least get full value for the use of this valuable asset.

Mr J Coate, an employee of Skydive the Beach, had achieved his pilot's licence at the age of 16. STB had given him the opportunity to expand his knowledge with an apprenticeship when he was 18 years old, when the business expanded its Wollongong base in aircraft maintenance. This meant that STB began servicing its aircraft locally instead of outsourcing the work to other areas. He said that the biggest challenge in entering this career was the amount of jobs going offshore, where labour is much cheaper. This introduces incredibly hard barriers to enter into Australia's aviation industry.

Mr Coate said that if he did not get his apprenticeship at STB, his only option would be to compete against all the other people in Sydney applying for apprenticeships in Bankstown. He did not like the idea of having to travel or move to Bankstown to follow his career and he wanted to stay based in this region. In conclusion, Mr Coate asked Councillor Petty to rethink his anti-local motion and to start supporting local businesses and local employment to ensure that he has a job. Due to local jobs becoming very rare to find, especially in the aviation industry, Mr Coate said that he was so grateful to have a job with Skydive the Beach and he would hate it, if a decision of Council, meant that this would be taken from him.

PUBLIC ACCESS FORUM – WEST DAPTO URBAN RELEASE AREA – YALLAH-MARSHALL MOUNT PRECINCT – EXHIBITION OF DRAFT STRUCTURE PLAN AND DRAFT PLANNING PROPOSAL

Mr L Fredericks advised that he, along with numerous landholders and interested parties, attended the Council briefing on this matter held at the Dapto Ribbonwood Centre on 3 March 2015. He thanked Councillors and staff for the ongoing consultation throughout the planning of the precinct. He said that the Yallah-Marshall Mount precinct will be a very important step in securing a more diverse range of housing. It will also contribute to the establishment of the Bio-Certification of the West Dapto Release Area and secure significant stands of local forests.

He said it is important that Council continue to advance the planning process, by adopting the Structure Plan tonight. He acknowledged that the infrastructure costs for the precinct need to be more accurately determined, as the cost estimates in the report appear significantly overstated. In conclusion, Mr Fredericks was confident that the costs will come down significantly upon further assessment and he asked that Council adopt the recommendations in the report and continue to advance the project.

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

CALL OF THE AGENDA

26 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that the staff recommendations for Items 3 to 5 and 7 to 9 inclusive, be adopted as a block.

ITEM A – NOTICE OF MOTION – COUNCILLOR PETTY – SKYDIVING ACTIVITIES – STUART AND DALTON PARKS

MOVED Councillor Petty seconded Councillor Curran that –

- 1 Council obtain a valuation from the Government Valuer on the use of land at Stuart and Dalton Parks for skydiving activities.
- 2 Council call for competitive tenders for the use of Stuart and Dalton Parks for skydiving activities.
- 3 Authority to execute leases and licences over Stuart and/or Dalton Parks shall be by resolution of Council.
- 4 A report be submitted to Council which provides a full history from the original to current leases and licences, development approvals, including variations and amendments, rent and market reviews, market valuations and processes undertaken to award leases and licences, together with all documentation relating in any way to current commercial operations or any related entities.

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Takacs that the matter lie on the table. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

Note: Councillor Brown suggested that the matter lay on the table until the staff report is presented to Council.

A PROCEDURAL MOTION was MOVED by Councillor Petty seconded Councillor Curran that the matter be taken off the table. The PROCEDURAL MOTION on being PUT to the VOTE was LOST.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 1, Councillor Colacino departed and returned to the meeting, the time being from 6.45 pm to 6.47 pm.

Minute No.

ITEM 1 – WEST DAPTO URBAN RELEASE AREA – YALLAH-MARSHALL MOUNT PRECINCT – EXHIBITION OF DRAFT STRUCTURE PLAN AND DRAFT PLANNING PROPOSAL

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Dorahy that Councillor Martin be granted an additional three (3) minutes to address the meeting in relation to Item 1.

27 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor Martin seconded Councillor Connor that –

- 1 The Structure Plan for Stage 5 (Yallah-Marshall Mount) of the West Dapto Urban Release Area be adopted (Attachments 2 and 4 of the report).
- 2 The draft Planning Proposal, maps and documentation (Attachments 5 and 7 of the report) be updated based on the recommendations of this report, but not be progressed to NSW Department of Planning and Environment at this time.
- 3 A report be provided to Council by the end of September 2015, setting out details of necessary Yallah-Marshall Mount infrastructure expenditure, including the contribution that can be made from all sources of income, including Section 94, State infrastructure funds and potential contributions from the Lend Lease Delfin Calderwood Development. The income stream to include timelines and forecast expenditure for the roll out of the necessary infrastructure, including that involving and intersecting with other stages of the West Dapto land release program.
- 4 On receipt of the reports on the costs of infrastructure for Yallah-Marshall Mount, that Council prepare a revised Planning Proposal to be considered before calendar end 2015. Council should then make a future submission to IPART for appropriate investment by the NSW Government for the cost of the provision of infrastructure for the entire West Dapto land development area.

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

Against Councillor Petty

Minute No.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 2, Councillor Kershaw departed and returned to the meeting, the time being from 7.13 pm to 7.16 pm.

ITEM 2 – INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) REVIEW

28 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion by Councillor Brown seconded Councillor Colacino that –

- 1 The revised Independent Hearing and Assessment Panel (IHAP) Charter be amended as follows and then placed on public exhibition for a minimum period of 28 days:
 - a Last sentence in point 5.2 remove the words 'do not' which now reads '*Panel appointments require Council endorsement*'.
 - b The Charter being subject to a mid-term review during each term of Council.
- 2 The Charter return to Council for consideration following the exhibition period.

Variations The variations moved by –

- *Councillor Merrin the addition of part 1a;*
- *Councillor Colacino the addition of part 1b "subject to review not more than four years";*
- *Councillor Curran amendment to part 1b to read "subject to a mid-term review during each term of Council";*

were accepted by the mover and seconder.

ITEM 3 – CIVIL WORKS NOTIFICATION POLICY

The following staff recommendation was adopted as part of the Block of Adoptions of Items (refer Minute Number 26).

COUNCIL'S RESOLUTION – The Civil Works Notification Policy adopted by Council on 25 September 2005 be repealed as a Council policy.

ITEM 4 – TENDER T14/34 – BLUE MILE HERITAGE WALK STAGE 2B PROMENADE

The following staff recommendation was adopted as part of the Block of Adoptions of Items (refer Minute Number 26).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Select Civil Pty Ltd for the construction of the Blue Mile Heritage Walk Stage 2B Promenade, in the sum of \$1,126,449.63, 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 5 – TENDER T14/35 – NICHOLSON PARK, WOONONA AMENITIES UPGRADE

The following staff recommendation was adopted as part of the Block of Adoptions of Items (refer Minute Number 26).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Malsave Pty Ltd for redevelopment of existing amenities at Nicholson Park Woonona, in the sum of \$327,614.00, 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.

Minute No.

ITEM 6 – PROPOSED ACQUISITION OF PART OF LOT 96 DP 9943 NO 27 MURRAY ROAD, EAST CORRIMAL FOR ROAD WIDENING

29 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Kershaw seconded Councillor Connor that –

- 1 Council acquire Lot 111 DP 240922 for road widening, being the portion of Lot 96 DP 9943 No 27 Murray Road, East Corrimal, shown on Attachment 1 of the report, on the following conditions:
 - a Compensation in the amount of \$18,000 (GST exc).
 - b Council arrange the relocation of the water meter and front fence.
 - c Council be responsible for the water meter and front fence relocation, legal and transfer costs.
- 2 Upon acquisition, the land be dedicated as public road under the provisions of Section 10 of the Roads Act 1993.
- 3 Authority be granted to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

ITEM 7 – JANUARY 2015 FINANCIALS

The following staff recommendation was adopted as part of the Block of Adoptions of Items (refer Minute Number 26).

COUNCIL'S RESOLUTION –

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

ITEM 8 – STATEMENT OF INVESTMENTS – JANUARY 2015

The following staff recommendation was adopted as part of the Block of Adoptions of Items (refer Minute Number 26).

COUNCIL'S RESOLUTION – Council receive the Statement of Investments for January 2015.

Minute No.

ITEM 9 – MINUTES OF CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING – 11 FEBRUARY 2015 AND ELECTRONIC MEETING HELD 26 FEBRUARY 2015

The following staff recommendation was adopted as part of the Block of Adoptions of Items (refer Minute Number 26).

COUNCIL'S RESOLUTION – In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee Meetings held on 11 and 26 February 2015 in relation to Regulation of Traffic be adopted.

ITEM 10 – SUBDIVISION AND DWELLING HOUSE PHASE 1 MINOR DEMOLITION, GEOTECHNICAL REMEDIATION WORKS AND A TWO (2) LOT TORRENS TITLE SUBDIVISION. PHASE 2 CONSTRUCTION OF A NEW DWELLING HOUSE – 2 BROADRIDGE STREET, WOMBARRA – IHAP REPORT

30 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Kershaw that Development Application DA-2014/245 be refused, subject to the reasons contained in Attachment 1 of the report.

THE MEETING CONCLUDED AT 7.27 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 30 March 2015.

Chairperson