

MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 29 January 2013

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Blicavs, Dorahy (from 6.15 pm), 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 - P Kofod, Director Planning and Environment – Nature, 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 City Works – K Mondal and Manager Infrastructure (Acting) – M Malone

Apologies

Min No.

- 1 RESOLVED UNANIMOUSLY** on the motion of Councillor Kershaw seconded Councillor Martin that the apology tendered on behalf of Councillor Merrin be accepted, noting that leave of absence had previously been granted.

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DISCLOSURES OF INTEREST

Councillor Petty declared a non-significant, non-pecuniary interest in Item 15 as he lives within 200 metres of a business named in the attachment to the report. He further advised that as the report is only to be noted, he intended to remain in the Chamber.

Councillor Martin declared a non-significant, non-pecuniary conflict of interest in Item C insofar as she works for the Department of Planning and Infrastructure and the matter involves a Planning Proposal.

Councillor Takacs declared a conflict of interest in Item C as he has a relative living in close proximity to the site. He stated that on the rescission motion, he had taken the view that the conflict of interest was non-significant. However, if a motion is subsequently put forward that involves a Planning Proposal, he would vacate the Chamber during discussion and voting on such matter.

Councillor Curran declared a significant, non-pecuniary conflict of interest in Item 15.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 10 DECEMBER 2012

- 2** **RESOLVED UNANIMOUSLY** on the motion of Councillor Brown seconded Councillor Connor that the Minutes of the Ordinary Meeting of Council held on Monday, 10 December 2012 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM – TRAFFIC CALMING WORKS IN COMPTON STREET, DAPTO

Ms S Jobson advised that traffic calming issues for Compton Street, Dapto have been ongoing for more than three years. Residents have brought many issues to Council's attention over this time, but still the speed humps remain. The noise is causing residents serious problems and a solution was urgently needed.

Residents agree with Option 3 in Council's report as it will solve their noise issues. It was also suggested that a long-term solution to the problem would be the construction of on and off ramps to Emerson Road for access straight onto the Freeway, as 80% of the through-traffic in Compton Street would be diverted straight to the Freeway. In conclusion, Ms Jobson asked that Council fix the problem now as residents had been notified in July 2012 that work would commence in late 2012 and now residents have been told that it is due to commence in March 2013. Residents need the speed humps to be removed as a matter of urgency and seek written notification of a definite date for their removal.

ATTENDANCE OF COUNCILLOR

During consideration of Item A and prior to voting on the item, Councillor Dorahy attended the meeting, the time being 6.15 pm.

ITEM A – NOTICE OF MOTION - COUNCILLOR COLACINO - WOLLONGONG SCULPTURE AWARD

MOVED Councillor Colacino seconded Councillor Blicavs that Council investigate the establishment of the Wollongong Sculpture Award as part of the Cultural Arts Program. It is envisaged that this Award incorporate a first prize (acquisitional) of \$70,000 and will take place in different areas of the City. These areas will include the Crown Street Mall, Globe Lane, the Arts Precinct, the Botanic Garden and The Blue Mile.

It is envisaged that this will be a yearly Award and included in Wollongong's 2014 - 2015 Arts and Culture Program.

This report is to come back to Councillors and Management through the Information Folder by 22 February 2013 so that the proposal can be included in the upcoming budget discussions.

Minute No

3 An **AMENDMENT** was **MOVED** by Councillor Brown seconded Councillor Connor that Council investigate the establishment of the Wollongong Sculpture and Public Art Award as part of the Cultural Arts Program. It is envisaged that this Award incorporate a first prize (acquisitional) of \$70,000 and will take place in different areas of the City. These areas will include, but not be limited to, the Crown Street Mall, Globe Lane, the Arts Precinct, the Botanic Garden, The Blue Mile, and Windang and Port Kembla Foreshore Parks.

It is envisaged that this will be a yearly Award and included in Wollongong's 2014 - 2015 Arts and Culture Program.

This report is to come back to Councillors and Management through the Information Folder by 22 February 2013 so that the proposal can be included in the upcoming budget discussions.

Variation *The variation to the Amendment put forward by Councillor Curran (the addition of the words 'Windang and Port Kembla Foreshore Parks') was accepted by the mover and seconder.*

The AMENDMENT on being PUT to the VOTE was CARRIED.

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

The AMENDMENT then BECAME the MOTION.

The MOTION was PUT and CARRIED.

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

ITEM B - NOTICE OF MOTION - COUNCILLOR PETTY - PLANNING ASSESSMENT COMMISSION PUBLIC MEETING - APEX EXPLORATION DRILLING PROJECT - EXTENSION OF TIME MODIFICATION

- 4** **RESOLVED UNANIMOUSLY** on the motion of Councillor Petty seconded Councillor Curran that Council appear at the Planning Assessment Commission Public Meeting to be held on Wednesday, 13 February 2013, regarding the Apex Exploration Drilling Project - Extension of Time Modification (MP07-0103 MOD 2) and make a presentation in line with -
- Council's previous resolutions on Coal Seam Gas; and
 - Council's submission to the Department of Planning and Infrastructure on this Modification Application.

DEPARTURE OF COUNCILLORS

Following discussion and voting on the Notice of Rescission, Councillor Petty departed and returned to the meeting, the times being from 7.39 pm to 7.46 pm. Councillor Petty was present during consideration of the motion and amendments which were put forward following Council's decision to rescind Minute 330 of 10 December 2012.

Councillor Takacs was not present during consideration and voting on the Amendment put forward by Councillor Blicavs.

Councillor Curran departed and returned to the meeting, the times being from 8.19 pm to 8.22 pm. Councillor Curran was present for all voting.

Councillor Crasnich departed and returned to the meeting, the times being from 8.23 pm to 8.25 pm. Councillor Crasnich was present for all voting.

ITEM C - NOTICE OF RESCISSION - COUNCILLORS BRADBERRY, BLICAVS, COLACINO, MARTIN AND DORAHY - PLANNING PROPOSAL FOR GLENIFFER BRAE - LOT 3 DP 252694, CORNER MURPHYS AVENUE AND ROBSONS ROAD, KEIRAVILLE

- 5** **RESOLVED** on the motion of Councillor Bradbery seconded Councillor Blicavs that Council rescind its resolution of 10 December 2012 (Minute No 330) relating to Item 1 of Council General Business - Planning Proposal for Gleniffer Brae - Lot 3 DP 252694, Corner Murphys Avenue and Robsons Road, Keiraville.

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

The Lord Mayor used his Casting Vote to support the rescission.

MOVED Councillor Martin seconded Councillor Connor that -

- 1 A workshop be convened as soon as possible. The workshop be facilitated by staff, and open to all, to specifically discuss ideas, opportunities and issues for the whole of the Gleniffer Brae site including both the Tudor House and the former SCEGGS building, inclusive of the Oval.
- 2 Using key issues and opportunities from the workshop process, a Gleniffer Brae Steering and Working Group be convened, with stakeholder representatives, residents, Councillors and appropriate staff inclusive of staff from the Botanic Garden and Cultural Services. This group be responsible for developing options for future consideration by Council for both the SCEGGS part of the site, Tudor House and the Oval.
- 3 Pending the results of the above, a report be submitted to Council for consideration of the recommendations of the Steering and Working Group. These recommendations will then inform and be the basis of a new Plan of Management for all three sites.

Variation *The variation put forward by Councillor Kershaw (Point 3 - the addition of the words 'consideration of the recommendations') was accepted by the mover and seconder.*

An AMENDMENT was MOVED by Councillor Curran seconded Councillor Takacs that -

- 1 A report and briefing to Council be given detailing the architect's report dated 2002, the Plan of Management dated 2006 and the 2009 review.
- 2 A masterplan of the site including the entire Botanic Gardens be prepared and reported to Council.
- 3 Council engage with the community and expert consultants to explore the options for the long-term management and use of Gleniffer Brae and the remainder of Lot 3 DP 252694 corner Murphys Avenue and Robsons Road, Keiraville.

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A FORESHADOWED AMENDMENT was MOVED by Councillor Blicavs seconded Councillor Colacino that -

- 1 A finalised draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for Lot 3 DP 252694 corner of Murphys Avenue and Robson Road, Keiraville, to amend the Wollongong Local Environmental Plan 2009 by:
 - a Reclassifying part of Lot 3 DP 252694 from Community Land to Operational land to permit the sale of that portion of land as per Attachment 6 of the report of 10 December 2012 (excludes Gleniffer Brae House).
 - b Rezoning part of Lot 3 DP 252694 from RE1 Public Recreation to SP2 Educational Establishment – Tertiary Institution (Attachment 9 of the report of 10 December 2012).
 - c Increasing the maximum permissible height on part of the site in the Height of Buildings Map from 9 metres to 15 metres (Attachment 10 of the report of 10 December 2012).
 - d Permitting a maximum floor space ratio of 0.75:1 on part of the site in the Floor Space Ratio Map (Attachment 11 of the report of 10 December 2012).
 - e Permitting the additional uses of ‘Educational Establishment’ and ‘Function Centre’ over the portion of land containing Gleniffer Brae house (Attachment 9 of the report of 10 December 2012).
 - f Move clause 8.5 Design Excellence to part 7 of the Local Environmental Plan, to enable the provisions to be used beyond the City Centre (including the Design Review Panel).
 - g Include Gleniffer Brae on the Key Sites Map in Wollongong Local Environmental Plan 2009 to trigger the application of Clause 8.5 Design Excellence.
- 2 An amendment to The Plan of Management for the Wollongong Botanic Garden (including Gleniffer Brae and Kooloobong Oval) Keiraville 2006 be prepared to permit lease and licence of the Gleniffer Brae house and grounds for up to 30 years.
- 3 Council advertise and exhibit the draft Plan of Management for a minimum period of 28 days.
- 4 Any future Development Application include an updated Conservation Management Plan and a proposed Heritage Agreement to be formalised under the NSW Heritage Act, and an Interpretation Strategy.

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A FORESHADOWED AMENDMENT was MOVED by Councillor Connor seconded Councillor Dorahy that -

- 1 Council reclassify all the lot surrounding the SCEGGS building from Community to Operational, only after discussions with the community.
- 2 Council engage with the community to explore options for the long term management and use of Gleniffer Brae and the remainder of that lot.

6 A **FORESHADOWED AMENDMENT** was **MOVED** by Councillor Dorahy seconded Councillor Curran that -

- 1 Council provide a report detailing what funding amount would be needed to retain the integrity of the Gleniffer Brae Manor House and the Botanic Garden, and consider options to provide current stakeholders with mutually beneficial outcomes.
- 2 Council consider and work with stakeholders to provide a future plan for the SCEGGS buildings that achieves important outcomes without detriment to the integrity of the total property.
- 3 Council retain ownership of the property and consider only lease options showing benefit to Wollongong, Council and the community.

Variation *The variation put forward by Councillor Colacino (Point 1 - the deletion of the words 'significant funding to retain' and replacement with the words 'a report detailing what funding amount would be needed to retain') was accepted by the mover and seconder.*

The AMENDMENT MOVED by Councillor Curran on being PUT to the VOTE was LOST.

In favour Councillors Curran and Petty

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

The FORESHADOWED AMENDMENT put forward by Councillor Blicavs then became the AMENDMENT.

The AMENDMENT MOVED by Councillor Blicavs on being PUT to the VOTE was LOST.

In favour Councillors Brown, Blicavs, Dorahy, Colacino and Crasnich

Against Councillors Kershaw, Connor, Martin, Curran, Petty and Bradbery

Minute No

The FORESHADOWED AMENDMENT put forward by Councillor Connor then became the AMENDMENT.

The AMENDMENT by Councillor Connor on being PUT to the VOTE was LOST.

In favour Councillors Connor, Martin and Bradbery

Against Councillors Kershaw, Brown, Takacs, Blicavs, Dorahy, Colacino, Crasnich, Curran and Petty

The FORESHADOWED AMENDMENT put forward by Councillor Dorahy then became the AMENDMENT.

A PROCEDURAL MOTION was MOVED by Councillor Connor seconded Councillor Kershaw that the motion be put. CARRIED UNANIMOUSLY.

The AMENDMENT by Councillor Dorahy on being PUT to the VOTE was CARRIED.

In favour Councillors Kershaw, Connor, Martin, Dorahy, Colacino, Crasnich, Curran and Petty

Against Councillors Brown, Takacs, Blicavs and Bradbery

The AMENDMENT put forward by Councillor Dorahy then BECAME the MOTION.

The MOTION was PUT and CARRIED.

In favour Councillors Kershaw, Connor, Martin, Takacs, Dorahy, Colacino, Crasnich, Curran and Petty

Against Councillors Brown, Blicavs and Bradbery

CALL OF THE AGENDA

- 7** **RESOLVED UNANIMOUSLY** on the motion of Councillor Brown seconded Councillor Martin that the staff recommendations for Items 2, 7 and 9 to 14 inclusive, be adopted as a block.

DEPARTURE OF COUNCILLORS

During discussion and prior to voting on Item 1, Councillors Blicavs and Dorahy departed and returned to the meeting, the times being from 9.00 pm to 9.01 pm and 9.00 pm to 9.05 pm, respectively.

ITEM 1 - IMPLEMENTATION OF TRAFFIC CALMING WORKS ON COMPTON STREET, DAPTO

- 8** **RESOLVED UNANIMOUSLY** on the motion of Councillor Connor seconded Councillor Martin that Council adopt the revised Compton Street Traffic Calming Scheme for implementation.

ITEM 2 - WEST DAPTO RELEASE AREA - SHEAFFES ROAD NORTH NEIGHBOURHOOD PLAN

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 7).

COUNCIL'S RESOLUTION - The draft Neighbourhood Plan prepared for Sheaffes Road, Kembla Grange (Attachment 3 of the report) be exhibited for a minimum period of twenty eight (28) days as an amendment to Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area for community input.

ITEM 3 - OPTION FOR HOUSEHOLD GREEN WASTE HELENSBURGH AND NORTHERN SUBURBS

- 9** **RESOLVED UNANIMOUSLY** on the motion of Councillor Brown seconded Councillor Crasnich that -

- 1 An education program be implemented to:
 - Promote green waste recycling;
 - Promote the availability of an additional 240 litre green bin at the current value of \$88 per annum to manage excess green waste.
- 2 Residents throughout the Wollongong local government area continue to use the Whytes Gully Waste and Resource Recovery Park for the disposal of excessive amounts of green waste.

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- 3 A report come to the Information Folder during May regarding the following two additional points for green waste disposal in the Northern Suburbs –
- a viability and charge rate for usage of an on-call green waste kerbside pick up service;
 - b investigate if there is a local commercial contractor who could provide a weight per load charge for a green waste service for the Northern Suburbs.

This will allow for the outcomes to be included in the next financial year's fees and charges.

Variation *The variation put forward by Councillor Colacino (point 3 of the above motion) was accepted by the mover and seconder.*

DEPARTURE OF COUNCILLOR

During consideration of Item 4 and prior to voting on the item, Councillor Martin departed and returned to the meeting, the times being from 9.12 pm to 9.15 pm.

ITEM 4 - LOCAL INFRASTRUCTURE RENEWAL SCHEME BORROWING PROGRAM 2012/13

10 **RESOLVED UNANIMOUSLY** on the motion of Councillor Brown seconded Councillor Blicavs that -

- 1 The information contained in the report relating to the Local Infrastructure Renewal Scheme Borrowing Program be received.
- 2 Council borrow an amount of \$20M at a fixed rate over a 9.5 year term with a quarterly repayment schedule.
- 3 Council's General Manager be delegated authority to negotiate appropriate loan terms in accordance with the report and resolution.
- 4 Authority be granted to affix the Common Seal of Council to the loan documents and any other documents required to give effect to the loan agreement.
- 5 The General Manager be delegated the authority to finalise the terms of the Funding Agreement with the NSW Premier and Cabinet – Division of Local Government.
- 6 Authority be granted to affix the Common Seal of Council to the Local Infrastructure Renewal Scheme documents and any other documents required to give effect to this agreement.

Minute No

ITEM 5 - COUNCIL SUBMISSION TO AUSTRALIAN GOVERNMENT ON "WALKING, RIDING AND ACCESS TO PUBLIC TRANSPORT" DRAFT REPORT

11 **RESOLVED UNANIMOUSLY** on the motion of Councillor Takacs seconded Councillor Brown that -

- 1 Council lodge a submission to the Australian Government's Walking, Riding and Access to Public Transport Draft Report including –
 - a Formulate national guidelines for best practice in provision of pedestrian and cycling facilities in 20-minute catchments of major traffic generators (response to question 1).
 - b Federal Government funding programs specifically targeted to providing infrastructure to support pedestrian and cycling access to major public transport nodes (response to question 2).
 - c Aged and disabled access for trains (response to question 2).
 - d Public art vegetation and landscape design – (response to question 5).
 - e Continued review and analysis of accidents (response to question 6).
- 2 The draft submission be endorsed as Council's submission.
- 3 The submission include support for building codes that mandate end-of-trip facilities for cyclists in office buildings.
- 4 The submission include support for high quality public transport signage/information that is regularly maintained and support for high-quality public transport information to be made freely available on mobile devices.

Variation *The variation put forward by Councillor Brown (Points 3 and 4) and Councillor Curran (1c, 1d and 1e) were accepted by the mover and seconder.*

ITEM 6 - PEDESTRIAN SAFETY IN WOLLONGONG

12 **RESOLVED UNANIMOUSLY** on the motion of Councillor Takacs seconded Councillor Colacino that -

- 1 The information provided in the report be noted.
- 2 Council seek a commitment from NSW Roads and Maritime Services for the continued funding of its Local Government Road Safety Officer Program.

ITEM 7 - ACQUISITION LOT 6 - DP 9944 - JUDBOOLEY PARADE, WINDANG

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 7).

COUNCIL'S RESOLUTION –

- 1 Council acquire Lot 6 DP 9944 Judbooley Parade, Windang from the Lake Illawarra Authority for the consideration of \$1, plus GST.
- 2 The land be classified Community Land upon acquisition.
- 3 Authority be granted to affix the Common Seal of Council to the transfer documents.

ITEM 8 - T12-20 - TENDER FOR MAINTENANCE OF STORMWATER ASSETS

13 **RESOLVED UNANIMOUSLY** on the motion of Councillor Petty seconded Councillor Brown that -

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council appoints each of the recommended contractors (as listed below) to the panel for the provision of maintenance of stormwater assets within the Wollongong Local Government Area for a period of up to five (5) years with an estimated value of \$5M in total.
 - Affective Services
 - Australian Catchment Management
 - Contractors United
 - Donnelley Civil
 - GT Civil
 - MECM Environmental Management
 - Southern Habitat
- 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 9 - DRAFT FINANCIAL ASSISTANCE POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 7).

COUNCIL'S RESOLUTION – The draft Financial Assistance Policy be adopted.

ITEM 10 - DECEMBER 2012 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 7).

COUNCIL'S RESOLUTION –

- 1 The report be received and noted.
- 2 Proposed adjustments to the Capital Program are adopted.

ITEM 11 - STATEMENTS OF INVESTMENTS – NOVEMBER / DECEMBER 2012

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 7).

COUNCIL'S RESOLUTION – Council receive the Statement of Investments for November and December 2012.

ITEM 12 - MINUTES OF THE CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 12 DECEMBER 2012

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 7).

COUNCIL'S RESOLUTION – In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee meeting held on 12 December 2012 in relation to Regulation of Traffic be adopted.

Minute No

ITEM 13 - REVOCATION OF DISPOSAL OF IMPOUNDED ITEMS POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 7).

COUNCIL'S RESOLUTION - The Disposal of Impounded Items Policy be revoked as a Council Policy and removed from Council's Policy Register.

ITEM 14 - BI-MONTHLY TABLING OF RETURNS OF DISCLOSURES OF INTEREST

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 7).

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 15 - CODE OF CONDUCT COMPLAINT

14 **RESOLVED UNANIMOUSLY** on the motion of Councillor Brown seconded Councillor Kershaw that -

- 1 The report of the Sole Conduct Reviewer into the Code of Conduct Complaint against Councillor Vicki Curran be noted.
- 2 The conclusion that there has been no breach of the Wollongong City Council's Code of Conduct by Councillor Curran in this matter be noted.

THE MEETING CONCLUDED AT 9.44 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 11 February 2013.

Chairperson