



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6.00 pm

**Monday 9 May 2016**

### 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 – K Cowgill, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning – R Campbell, Manager Project Delivery – G Whittaker and Manager Infrastructure Strategy and Planning – M Dowd

### Apology

Min No.

**37**

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

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## **DISCLOSURES OF INTERESTS**

Councillor Martin declared a non-significant, non-pecuniary interest in Item 2 as she works for the Department of Planning and Environment. However, Councillor Martin advised that she did not work on any programs or projects within the Wollongong Local Government Area and would therefore remain at the meeting during debate and voting on this matter.

Councillor Dorahy declared an interest in Item 3 as he is a Board Member of Venues New South Wales. Councillor Dorahy advised that he would depart the meeting during debate and voting on this Item.

Councillor Curran declared a non-significant, non-pecuniary conflict of interest in Item 7 as a family member is employed by one of the tenderers. Councillor Curran advised that she would depart the meeting during debate and voting on this matter.

## **NATIONAL TRUST HERITAGE AWARDS – ‘GHOST OF COURTNEY PUCKEY’ TOURS**

Councillor Curran attended the National Trust Heritage Awards and advised that Council had received a Highly Commended Award for the ‘Ghost of Courtney Puckey’ tours, due to the excellent work of Michael Connor, Council’s Education Officer - Botanic Garden.

Awards for the Wollongong area were also received for the Migrant Heritage Project and the Thirroul Railway Station upgrade.

## **CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 4 APRIL 2016**

**38** **COUNCIL’S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Kershaw that the Minutes of the Ordinary Meeting of Council held on Monday, 4 April 2016 (a copy having been circulated to Councillors) be taken as read and confirmed.

## **PUBLIC ACCESS FORUM – DRAFT PLANNING PROPOSAL FOR LOT 1 DP 534849 STAFF ROAD, CORDEAUX HEIGHTS**

Mr D Thompson from Cardno supported the recommendations in the report and reiterated the following key benefits of the proposal -

- 17.3 ha of rehabilitated and/or revegetated lands would be protected in perpetuity through a Biobanking scheme at the landowner's cost;
- Enhanced onsite biodiversity and reduction of the current eroding processes;
- Improved bushfire hazard protection measures; and,
- Potentially enhanced access to the Illawarra Escarpment for recreational activities.

**39** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that Mr Thompson be thanked for his presentation and invited to table his notes.

### **CALL OF THE AGENDA**

**40** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that the staff recommendations for Items 4, 6, 8 to 12, and 14 inclusive, be adopted as a block.

### **ITEM A – NOTICE OF MOTION - COUNCILLOR MARTIN - PORT KEMBLA COMMUNITY INVESTMENT FUND**

MOVED Councillor Martin seconded Councillor Curran that –

- 1 Council initiate a proactive program to ensure the maximum benefit to the community of Port Kembla and the wider Wollongong community from the newly-established Port Kembla Community Investment Fund (PKCIF).
- 2 The program include, but not be limited to –
  - a A Community Planning Workshop to establish –
    - i Opportunities for community, business and Council-led projects that could be considered for funding over the years of the funding program and to ensure the funds are utilised to the maximum benefit of the community of Port Kembla and the wider Wollongong community, wherever possible;

- ii Project ideas and opportunities where Council and the community could develop future projects, especially over the early years of the program.
- b An annual Community Assist education and support program to assist communities in preparing their eligible applications so as to ensure the best possible results and ensure that applicants are provided with the maximum opportunity to be successful with eligible projects.
- c A Project Partner Program between potential community fund applicants and Council to ensure –
  - i Project development and implementation in the Port Kembla Investment Fund area, especially where the project is developed in partnership with Council, on Council-owned land, or Council-managed sites; and,
  - ii Maximum benefit of projects; and
  - iii Projects are in keeping with Council's commitment to work in partnership with the community wherever possible.

A PROCEDURAL MOTION was MOVED by Councillor Martin that the matter lay on the table. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

*Note: Councillor Martin requested that this matter lay on the table until Councillors are briefed by the government agencies involved with establishing the Fund.*

## **ITEM B – NOTICE OF MOTION - COUNCILLOR CRASNICH - NSW STATE GOVERNMENT INITIATIVE FOR PORT KEMBLA AND REGION - PORT KEMBLA COMMUNITY INVESTMENT FUND**

**41 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Crasnich seconded Councillor Colacino that Council write to the Member for Kiama, and Parliamentary Secretary for the Illawarra and South Coast, Mr Gareth Ward MP acknowledging his work in helping secure the Port Kembla Community Investment Fund monies.

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

## **ITEM C - ITEM LAID ON TABLE - COUNCIL MEETING 14 MARCH 2016 - POLICY REVIEW: PRIVACY MANAGEMENT PLAN**

On 14 March 2016 the following motion was MOVED by Councillor Colacino seconded Councillor Crasnich that -

- 1 The revised Privacy Management Plan be adopted.
- 2 A copy of the adopted Policy be forwarded to the Privacy Commissioner.

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Curran that this matter be taken off the table and the speakers list be recommenced. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

**42 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Crasnich that –

- 1 The revised Privacy Management Plan be adopted.
- 2 A copy of the adopted Policy be forwarded to the Privacy Commissioner.
- 3
  - a When this Plan comes back to Council for review in 2018, and in subsequent years, it will include information that outlines the number of applications received from employees who have asked to review, and have then challenged, the opinions that are held regarding their details.
  - b This information will not include the names of those who enquired.

## **ITEM 1 - BEATON PARK PRECINCT NEEDS ASSESSMENT**

**43 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Curran that –

- 1 Council note the Beaton Park Needs Assessment.
- 2 A review of the Plan of Management be included in the 2016/17 Annual Plan and appropriately resourced.
- 3 Investigations into the reclassification of identified land be commenced.
- 4 Investigations into the feasibility of acquisition of Defence Lands be commenced.

- 5 A staging plan be developed for implementation of the Plan.
- 6 A further progress report be submitted to Council.
- 7 The community-developed concept plans for Wiseman's Park and related elements of the Gwynneville-Keiraville Community Planning Project, be included in the documents that help inform the future character of that site.
- 8 Consideration be given to including Gilmore Park within the study area.

## **ITEM 2 - DRAFT PLANNING PROPOSAL: LOT 1 DP 534849 STAFF ROAD, CORDEAUX HEIGHTS**

**44 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Dorahy that –

- 1 A draft Planning Proposal be submitted to the NSW Department of Planning and Environment for Lot 1 DP 534849 Staff Road, Cordeaux Heights, seeking a Gateway determination to:
  - a rezone 7.3 hectares of the site from E3 Environmental Management to E4 Environmental Living with a Minimum Lot Size of 1,000m<sup>2</sup> and Floor Space Ratio of 0.3:1;
  - b retain 30.4 hectares of the site as E3 Environmental Management zoning, changing the minimum lot size to 5,000m<sup>2</sup>;
  - c rezone the southern riparian corridor and part of the site in the north west and north east (17.3 hectares) from E3 Environmental Management to E2 Environmental Conservation with a Minimum Lot Size of 39.99ha; and
  - d update the Riparian Land and Natural Resource Sensitivity–Biodiversity Maps.
- 2 A BioBanking Agreement be established between the landowner and the Office of Environment and Heritage for the riparian corridor area in the south of the site to be rezoned E2 Environmental Conservation to re-vegetate and protect in perpetuity the riparian corridor (to be dedicated to Council once the BioBank site is under full active management);
- 3 The draft Planning Proposal be exhibited for a minimum period of 28 days; and



- 4 The Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.

## **DEPARTURE OF COUNCILLOR**

Due to a prior disclosure of interest, Councillor Dorahy departed the meeting and was not present for the debate and voting on Item 3.

## **ITEM 3 - STEWART STREET EAST CAR PARK - LICENCE TO WIN SPORTS AND ENTERTAINMENT CENTRES**

- 45 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Takacs that Council agree to the request from WIN Sports and Entertainment Centres to increase the parking charge at Stewart Street East Car Park to \$10 per vehicle, during WSEC major event nights.

## **ITEM 4 - EXTENSION OF FUNDING AGREEMENT FOR THE ROUND 3 LOCAL INFRASTRUCTURE RENEWAL SCHEME - WEST DAPTO ACCESS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 40).

### **COUNCIL'S RESOLUTION** –

- 1 The information contained in the report, relating to the variation of the LIRS borrowing program interest subsidy, be received.
- 2 Council approve the borrowing of an amount of \$5.5M at a fixed rate over an 8.25 year term with a quarterly repayment schedule.
- 3 Council's General Manager be delegated authority to negotiate appropriate loan terms in accordance with this report and resolution.
- 4 Authority be granted to affix the Common Seal of Council to the loan documents, LIRS (Round 3) 'Variation of Agreement' and Loan Interest Subsidy Variation and any other documents required to give effect to the loan agreement.

## ITEM 5 - IPART REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM

- 46** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that Council endorse the Draft Submission (Attachment 2 of the report) as Council's response to the call for submissions from the IPART.

## ITEM 6 - FINANCIAL ASSISTANCE POLICY - LARGE CULTURAL GRANTS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 40).

**COUNCIL'S RESOLUTION** – Council receive the report and note the successful recipients/projects (Attachment 1 of the report).

## DEPARTURE OF COUNCILLOR

Due to a prior disclosure of interest, Councillor Curran departed the meeting and was not present for the debate and voting on Item 7.

## ITEM 7 - TENDER T16/11 – CONSTRUCTION OF A SEA WALL AND ROCK WALL AT JUDBOOLEY PARADE, WINDANG

- 47** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor Martin that –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Dynamic Civil Pty Ltd for construction of a Sea wall and Rock Wall at Judbooley Parade, Windang, in the sum of \$499,270.00, 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.
- 4 Councillors receive a monthly report via the Information Folder, on the progress and full financial cost of the project.

Variation *The variation moved by Councillor Petty (the addition of Part 4) was accepted by the mover and seconder.*

## **ITEM 8 - TENDER T16/07 – LEASE OF THE MARKET STREET CAR PARK**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 40).

### **COUNCIL'S RESOLUTION –**

- 1 In accordance with Clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Secure Parking Australia Pty Ltd for the lease of the Market Street Car Park, in the sum of \$585,000.00 (GST Exclusive) plus outgoings.
- 2 Council delegate to the General Manager the authority to finalise and execute the agreement 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 - TENDER T15/26 – TELEPHONE INTERACTIVE VOICE RESPONSE (IVR) AND WEB PAYMENT SERVICES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 40).

### **COUNCIL'S RESOLUTION –**

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of the Commonwealth Bank for Telephone (IVR) and Web payment services, in the sum of \$72,033.44 per year for a two year contract with an option of one plus one, 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 10 - TENDER T16/12 – KEIRA CRICKET CLUB PAVILION AND AMENITIES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 40).

### **COUNCIL'S RESOLUTION –**

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Patterson Building Group Pty Ltd for the construction of the Keira Cricket Club Pavilion and Amenities project, in the sum of \$298,118.00 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.

## **ITEM 11 - MARCH 2016 FINANCIALS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 40).

### **COUNCIL'S RESOLUTION –**

- 1 The report be received and noted.
- 2 Proposed changes in the capital works program be approved.

## **ITEM 12 - STATEMENT OF INVESTMENTS - MARCH 2016**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 40).

**COUNCIL'S RESOLUTION –** Council receive the Statement of Investments for March 2016.

## **ITEM 13 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETINGS HELD ON 13 APRIL AND 4 MAY 2016**

**48** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Crasnich that –

- 1 In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee Meetings held on 13 April and 4 May 2016 in relation to Regulation of Traffic be adopted.
- 2 The Traffic Committee be requested to review constraints relating to the Council car park opposite North Wollongong Surf Club, with the intention of having the timed curfew removed from the area.

## **ITEM 14 - BI-MONTHLY TABLING OF RETURNS OF DISCLOSURES OF INTERESTS AND OTHER MATTERS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 40).

**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 7.01 PM**

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 30 May 2016.

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Chairperson