

at 6.00 pm

Monday 9 November 2015

Present

Lord Mayor (Acting) – Councillor Dorahy (in the Chair), Councillors Connor, Brown, Takacs, Martin, Merrin (until 9.01 pm), Blicavs, 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) – M Dowd, 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 Community Cultural and Economic Development – K Hunt, Manager Library and Community Services – J Thompson and Manager City Works and Services (Acting) – T Subotic

Apologies

Min No.

151 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Brown seconded Councillor Connor that the apology tendered on behalf of Councillor Kershaw be accepted and the Lord Mayor's leave of absence granted by Council on 24 August 2015, be noted.

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DISCLOSURE OF INTERESTS

Due to her employment at the Department of Planning and Environment, Councillor Martin declared non-significant, non-pecuniary potential conflicts of interest in Item A insofar as it involves a matter that may be referred to the Department of Planning and Environment, as well as Item 12 which will also involve the Department.

AWARD FOR EXCELLENCE IN RISK MANAGEMENT

Councillor Blicavs tabled an Award presented to Council at a recent Westpool event. The Award was for Excellence in Risk Management in recognition of Council's Beach Safety initiative. The Award also included a \$2,000 prize which will be put towards signage and other warning devices.

Councillor Blicavs advised that during the 2014-2015 swimming season, there were no drownings reported from 1.2M visitations. There were also 65,550 preventative actions and 839 rescues. Councillor Blicavs extended congratulations to the Lifeguards and the team on achieving this Award.

PETITION – SUSPENSION OF WORKS – HILLTOP AND McKENZIE AVENUES, WOLLONGONG

Councillor Brown tabled a petition signed by 69 residents, mainly from Hilltop, McKenzie and Mailer Avenues, Wollongong, requesting Council to –

- 1 Suspend current works, or undertake additional works, so that the intersection of Hilltop Avenue with McKenzie Avenue is not narrowed, given the tight, sharp corner, sight line concerns and so forth; and,
- 2 Allow Hilltop Avenue residents and concerned parties the opportunity to be consulted by Council and for the opportunity to have input, express concerns and/or suggestions regarding the new roadworks.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 19 OCTOBER 2015

152 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Colacino that the Minutes of the Ordinary Meeting of Council held on Monday, 19 October 2015 (a copy having been circulated to Councillors) be taken as read and confirmed.

Minute No.

CALL OF THE AGENDA

153 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Merrin that the staff recommendations for Items 4 to 9, and 11 to 17 inclusive, be adopted as a block.

ITEM A – NOTICE OF MOTION - COUNCILLOR PETTY - CONCEPTUAL BUDGET - WEST DAPTO AND YALLAH-MARSHALL MOUNT PROJECTS

MOVED by Councillor Petty seconded Councillor Martin that a report be prepared for the Councillor Information Folder by 20 November 2015, showing 'conceptual' budget/s for years ended 2016 to 2025, with 2015 as the opening actual base, which –

- 1 Reflects a scenario(s) of Council undertaking the West Dapto and Yallah-Marshall Mount projects;
- 2 Includes a combination of external funding; and,
- 3 Utilises Internal Restricted Cash Reserves, whilst still complying with the Fit for the Future criteria.

154 **COUNCIL'S RESOLUTION** - An AMENDMENT was MOVED by Councillor Brown seconded Councillor Connor that the budgeting measures suggested in the motion on notice be included in a presentation or background information provided at Council's budget workshopping process.

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

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

Against Councillors Curran and Petty

Councillor Brown's AMENDMENT then BECAME the MOTION.

The MOTION on being PUT to the VOTE was CARRIED.

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

Against Councillors Curran and Petty

Minute No.

ITEM B – NOTICE OF MOTION - COUNCILLOR BLICAVS - COUNCIL OBJECT TO THE NAME CHANGE OF THE FEDERAL ELECTORATE OF THROSBY

The following PROCEDURAL MOTIONS were MOVED and CARRIED to allow additional time to address the meeting in relation to Item B –

- Councillor Crasnich seconded Councillor Takacs – an additional three minutes for Councillor Connor;
- Councillor Crasnich seconded Councillor Blicavs – an additional three minutes for Councillor Colacino; and,
- Councillor Crasnich seconded Councillor Martin – an additional three minutes for Councillor Curran.

A PROCEDURAL MOTION was MOVED by Councillor Petty that the motion be put. The Procedural Motion on being PUT to the VOTE was LOST.

In favour Councillors Merrin, Crasnich and Petty

Against Councillors Connor, Brown, Martin, Takacs, Blicavs, Colacino, Dorahy and Curran (Councillor Curran abstained from voting)

155 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor Blicavs seconded Councillor Takacs that Council write to the Australian Electoral Commission, objecting to the proposed name change of the 'Throsby' electorate to 'Whitlam'.

Councillor Blicavs' motion on being PUT to the VOTE was CARRIED.

In favour Councillors Takacs, Merrin, Blicavs, Dorahy, Colacino and Crasnich

Against Councillors Connor, Brown, Martin, Curran and Petty

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 1, Councillors Curran and Blicavs departed the meeting at 7.15 pm and both returned to the meeting at 7.16 pm.

Minute No.

ITEM 1 - WOLLONGONG PUBLIC SPACES PUBLIC LIFE

156 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that the draft report "A City for People, Wollongong Public Spaces Public Life 2015" be exhibited for community input for a minimum period of 16 weeks (commencing 14 November 2015 to 4 March 2016).

Variation *The variation moved by Councillor Takacs to change '12 weeks' to '16 weeks' and '6 February 2016' to '4 March 2016' was accepted by the mover and seconder.*

DEPARTURE OF COUNCILLORS

During the debate and prior to voting on Item 2, Councillors Connor and Colacino departed and returned to the meeting, the times being 7.41 pm to 7.44 pm, and 7.54 pm to 7.56 pm, respectively.

ITEM 2 - VOLUNTARY WASTE INDUSTRY PROTOCOL FOR THE HANDLING OF EARLY COLLECTED CARBON CHARGES IN THE WASTE SECTOR

157 COUNCIL'S RESOLUTION - MOVED by Councillor Blicavs seconded Councillor Takacs that -

- 1 Council participate in the voluntary Waste Industry Protocol by –
 - a Returning the money collected from ratepayers via the 2016-17 rates notices.
 - b Investing the funds collected from non-domestic waste for complying abatement project/s.
 - c Reserving 1.2% (approximately \$50,000) for Waste Industry Protocol compliance and audit costs.
- 2 The General Manager be granted delegated authority to finalise and execute the voluntary Waste Industry Protocol, and any other documentation required to give effect to this resolution.
- 3 Authority be granted for the use of the Common Seal of Council on the voluntary Waste Industry Protocol, and any other documentation, should it be required to give effect to this resolution.

Variation *The variation moved by Councillor Merrin – to remove from Part 1(a) 'Returning \$2,276,540' and replace with 'Returning the money collected from ratepayers', and the removal of the words from Part 1(b) 'Investing \$1,848,444 million' and replace with 'Investing the funds collected from non-domestic waste' was accepted by the mover and seconder.*

Minute No.

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

- 1 Council participate in the voluntary Waste Industry Protocol by –
 - a Returning the money collected from ratepayers via the 2016-17 rates notices.
 - b Investing the funds collected from non-domestic waste for complying abatement project/s.
 - c Reserving 1.2% (approximately \$50,000) for Waste Industry Protocol compliance and audit costs.
- 2 The General Manager be granted delegated authority to finalise and execute the voluntary Waste Industry Protocol, and any other documentation required to give effect to this resolution.
- 3 Authority be granted for the use of the Common Seal of Council on the voluntary Waste Industry Protocol, and any other documentation, should it be required to give effect to this resolution.
- 4 The administration and granting of funding for the Emission Reduction and Abatement Programs be the subject of a Councillor Briefing and decision by Council.

Variation *The following variations were accepted by the mover and seconder –*

- *Councillor Petty – the addition of the words ‘and decision by Council’ to Part 4; and,*
- *Councillor Merrin – to remove from Part 1(a) ‘Returning \$2,276,540’ and replace with ‘Returning the money collected from ratepayers’, and the removal of the words from Part 1(b) ‘Investing \$1,848,444 million’ and replace with ‘Investing the funds collected from non-domestic waste’.*

Councillor Curran’s AMENDMENT on being PUT to the VOTE was LOST.

In favour Councillors Curran and Petty

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

Councillor Blicavs’ MOTION on being PUT to the VOTE was CARRIED.

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

Against Councillors Curran and Petty

Minute No.

ITEM 3 - ADOPTION OF THE REVIEW OF HEWITTS CREEK FLOOD STUDY

158 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor Merrin seconded Councillor Blicavs that the 'Review of Hewitts Creek Flood Study (Final Report – August 2015)' be adopted.

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

Against Councillors Curran and Petty

ITEM 4 - DRAFT FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN FOR WOLLONGONG CITY CATCHMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 153).

COUNCIL'S RESOLUTION – The "Draft Floodplain Risk Management Study and Plan for Wollongong City Catchment" be adopted.

ITEM 5 - WHARTONS CREEK ENTRANCE MANAGEMENT STUDY AND PLAN

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 153).

COUNCIL'S RESOLUTION –

- 1 The draft Whartons Creek Entrance Management Study and Plan be placed on public exhibition for a period of 28 days.
- 2 Following the public exhibition, a further report be provided to Council on the submissions received and any amendments proposed.

ITEM 6 - SMALL BUSINESS FRIENDLY COUNCILS PROGRAM

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 153).

COUNCIL'S RESOLUTION – Council join the Small Business Friendly Councils Program of the Office of the NSW Small Business Commissioner.

Minute No.

ITEM 7 - 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 153).

COUNCIL'S RESOLUTION – The amended Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors policy be adopted.

ITEM 8 - QUARTERLY REPORT ON DEVELOPMENT APPLICATIONS INVOLVING VARIATIONS TO DEVELOPMENT STANDARDS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 153).

COUNCIL'S RESOLUTION – Council note the report.

ITEM 9 - ACQUISITION OF PROPERTIES 7-17 MONTGOMERY STREET, WARRAWONG

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 153).

COUNCIL'S RESOLUTION –

- 1 Council purchase properties numbers 7, 9, 11, 13, 15 and 17 Montgomery Street, Warrawong being lots 19, 20, 21, 22, 23 and 24 in Deposited Plan 35719 at a cost of \$2,825,000 [exclusive of GST] subject to:
 - a Satisfactory Building Condition Report;
 - b Satisfactory Hazardous Materials Building Survey; and
 - c Satisfactory Contamination Report.
- 2 Council authorise the General Manager to finalise the terms of the contract to purchase.
- 3 Council authorise the affixation of the Common Seal of Council to documents required to complete the purchase.
- 4 On acquisition, the property be classified as Operational Land.

Minute No.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 10, Councillor Curran departed and returned to the meeting, the time being from 8.35 pm to 8.40 pm.

ITEM 10 - CROWN STREET MALL REFURBISHMENT ARTWORK

159 **COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Martin seconded Councillor Colacino that -

- 1 Council resolve, because of extenuating circumstances, namely –
 - a the difficulty of acquiring art within the tendering framework of the Local Government Act 1993;
 - b Council's earlier unsuccessful attempt to procure suitable public art for the project through a traditional expression of interest and tender; and
 - c the difficulty in determining an appropriate public art designer shortlist;

that a satisfactory result would not be achieved by inviting tenders again and accordingly Council accept the proposal from Mr Mike Hewson to design, fabricate and install the public art generally identified in "Illawarra Placed Landscape" for the sum of \$430,000 (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.

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

Against Councillor Petty

ITEM 11 - EXTENSION OF FUNDING CONTRACT - SOCIAL SUPPORT SERVICES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 153).

COUNCIL'S RESOLUTION –

- 1 Council endorse acceptance of the extension to the contract offered by the Department of Social Services from 1 November 2015 to 31 June 2018.
- 2 Council prepare to transition out of the direct delivery of this service prior to 31 June 2018.

ITEM 12 - PLANNING PROPOSAL - WATERFALL GENERAL (GARRAWARRA) CEMETERY - POST EXHIBITION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 153).

COUNCIL'S RESOLUTION –

- 1 The draft Planning Proposal for Waterfall General (Garrawarra) Cemetery, Princes Highway, Helensburgh be progressed to finalisation, which proposes to amend the Wollongong Local Environmental Plan 2009 by:
 - a Amending the listing of Item 61028 in Schedule 5 – Environmental Heritage, Part 1:
 - i Changing the item name from “Garrawarra Hospital Cemetery”, to “Waterfall General (Garrawarra) Cemetery (means archaeological site)”; and
 - ii Updating the property description to include part Lot 3 DP 840501 and part Lot 1 DP 1160404 which form the curtilage;
 - b Amending the Heritage Map to expand the curtilage of Item 61028 to cover part of Lot 3 DP 840501 and part of Lot 1 DP 1160404 to reflect the Curtilage Map within the Waterfall General (Garrawarra) Cemetery Conservation Management Plan; and
 - c Amending the Heritage Map to expand the curtilage of the “Garrawarra Hospital Heritage Conservation Area” to include the “Waterfall General (Garrawarra) Cemetery”.

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- 2 The final Planning Proposal be referred to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the final proposal and finalisation. The Department be advised that Council does not wish to exercise its delegation as Council is the landowner.

ITEM 13 - TENDER T15/28 DESIGN, CONSTRUCTION, SUPPLY, DELIVERY AND INSTALLATION OF A DEMOUNTABLE TRANSPORTABLE BUILDING PURPOSE BUILT FOR THE USE OF A CAMP KITCHEN - CORRIMAL TOURIST PARK

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 153).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Uniplan Group Pty Ltd for the design, construction, supply, delivery and installation of a demountable transportable building purpose built for the use of a camp kitchen, in the sum of \$136,600.00 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 14 - ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015 - POST ADVERTISING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 153).

COUNCIL'S RESOLUTION – The audited Financial Statements for the year ended 30 June 2015, together with the Auditor's report, be presented to the public.

ITEM 15 - SEPTEMBER 2015 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 153).

COUNCIL'S RESOLUTION –

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

ITEM 16 - STATEMENT OF INVESTMENTS - SEPTEMBER 2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 153).

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

ITEM 17 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 28 OCTOBER 2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 153).

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 28 October 2015 in relation to Regulation of Traffic be adopted.

Minute No.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 18, Councillor Takacs departed and returned to the meeting, the time being from 8.51 pm to 8.53 pm.

During the debate on Item 18, Councillor Merrin departed the meeting, the time being 9.01 pm. Councillor Merrin was not present for the vote.

ITEM 18 - EXTRAORDINARY COUNCIL MEETING AGENDA - 7 DECEMBER 2015

160 **COUNCIL'S RESOLUTION** – MOVED BY Councillor Connor seconded Councillor Crasnich that –

- 1 The agenda for the Extraordinary Council Meeting on 7 December 2015 be endorsed.
- 2 The agenda conclude with a musical item as follows –
 - a 'The Wollongong Song', with the agreement of Graham Wilson and the musical band;
 - b The National Anthem, which includes one verse in Dharawal, and one in English.

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

- *Councillor Petty – the addition of Part 2; and,*
- *Councillor Curran – the addition of the words 'which includes one verse in Dharawal, and one in English' to Part 2(b).*

An AMENDMENT was MOVED by Councillor Brown seconded Councillor Martin that –

- 1 The agenda for the Extraordinary Council Meeting on 7 December 2015 be endorsed, and include up to five Items of General Business.
- 2 The agenda also include –
 - a 'The Wollongong Song', with the agreement of Graham Wilson and the musical band;
 - b The National Anthem.

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

In favour Councillors Brown, Martin and Blicavs

Against Councillors Connor, Takacs, Colacino, Crasnich, Curran, Petty and Dorahy

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

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

Against Councillor Brown

THE MEETING CONCLUDED AT 9.09 PM.

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

Chairperson