



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6.00 pm

**Monday 30 May 2016**

## 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 – M Hyde, Director Planning and Environment – Future, City and Neighbourhoods – A Carfield, General Counsel – J Reilly, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning – R Campbell and Manager Infrastructure Strategy and Planning – M Dowd, Manager Project Delivery – G Whittaker, Manager Community Cultural and Economic Development – K Hunt and Manager City Works and Services – M Roebuck

## INDEX

PAGE NO.

	Petition – Help Save Appin.....	1
	Petition – Support for Phoenix Theatre.....	1
	Confirmation of Minutes of Ordinary Meeting of Council held on Monday, 9 May 2016.....	1
	Public Access Forum – Proposed Use of Lot 40 DP 5330 No 24 Bridge Street Coniston.....	1
	Public Access Forum – Transport Issues including rail (existing and proposed) and Mt Ousley grade separation .....	2
	Disclosure of Interests.....	3
	Call of the Agenda.....	3
	Government Funding for Upgrade of Appin Road .....	4
ITEM A	Notice of Motion Councillor Dorahy - Retention of Title of Lord Mayor and Election by Popular Vote .....	5
	Suspension of Standing Orders.....	6
ITEM 4	Proposed Use of Lot 40 DP 5330 No 24 Bridge Street, Coniston .....	6
ITEM B	Notice of Motion Councillor Takacs - Illawarra Escarpment State Conservation Area.....	7
ITEM C	Notice of Motion Councillor Merrin - Footpath Access Ramps - Compliance with Standards.....	9
ITEM D	Notice of Motion Councillor Merrin - Driveway Design - Safe Footpath Crossings .....	10
ITEM E	Notice of Motion Councillor Merrin - Asbestos Management Policy .....	10
ITEM F	Item Laid on Table - Council Meeting 9 May 2016 - Notice of Motion - Councillor Martin - Port Kembla Community Investment Fund.....	10

ITEM 1	Implementation Plan for the use of changed Blockage Factors for Flood Assessments .....	13
ITEM 2	A City for People, Wollongong Public Spaces Public Life.....	15
ITEM 3	Review of Wollongong Development Control Plan 2009 - Sustainability .....	15
ITEM 4	Proposed Use of Lot 40 DP 5330 No 24 Bridge Street, Coniston .....	16
ITEM 5	Proposed Closure and Sale of Public Pathway adjoining No 7 Byrarong Avenue, Mangerton .....	16
ITEM 6	Proposed Sale of 40 and 42 George Avenue, Bulli .....	18
ITEM 7	Central Library - Proposed Change to Opening Hours .....	18
ITEM 8	Local Government NSW - Election of Board of Directors - Nomination of Voting Delegates .....	18
ITEM 9	Draft Wollongong Community Safety Plan 2016 - 2020 .....	19
ITEM 10	Policy Review: Glass Free Areas .....	19
ITEM 11	Extension of Funding Contract - Community Transport Services .....	19
ITEM 12	Tender T15/41 Bulli Surf Life Saving Club Extension and Building Renewal Works .....	20
ITEM 13	Tender T16/14 – Pedestrian Bridge Upgrade at Farrell Road, Bulli .....	21
ITEM 14	Tender T15/29 - Scheduled Resealing of Pavers in the Crown Street Mall.....	22
ITEM 15	Tender T16/16 - Debris Control Structure adjacent to Cosgrove Avenue, Keiraville .....	22
ITEM 16	Proposed renewal of lease of part of Wollongong Golf Course - Part Lang Park Foreshore (D580076) Reserve .....	23
ITEM 17	2016 National General Assembly of Local Government – Councillor Attendance .....	23
ITEM 18	Annual Fees Payable to the Lord Mayor and Councillors for 2016/2017 .....	24

	PAGE NO.
ITEM 19 Annual Fees Payable to Independent Members of the Audit and Corporate Governance Committees for 2016/2017 .....	24
ITEM 20 April 2016 Financials .....	24
ITEM 21 Statement of Investments - April 2016.....	25
ITEM 22 Draft Quarterly Review Statement - March 2016.....	25
ITEM 23 Quarterly Report on Development Applications Involving Variations to Development Standards .....	25

### **PETITION – ‘HELP SAVE APPIN’**

Councillor Connor tabled a petition signed by approximately 7,000 people which seeks Government funding, as well as this Council’s support for the upgrade of Appin Road.

### **PETITION – SUPPORT FOR PHOENIX THEATRE**

Councillor Martin tabled an eight page petition, supporting the proposal from Phoenix Theatre Incorporated to purchase and manage the Bridge Theatre.

### **CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 9 MAY 2016**

**49** **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, 9 May 2016 (a copy having been circulated to Councillors) be taken as read and confirmed.

### **PUBLIC ACCESS FORUM - PROPOSED USE OF LOT 40 DP 5330 NO 24 BRIDGE STREET CONISTON**

Mr A Kernaghan, Solicitor and Barrister for the Phoenix Theatre, supported the recommendation in the report and he advised that if Council adopts the recommendation, the proposal would -

- secure community action to promote and enhance the region’s performing arts and cultural diversity;
- ensure that an important part of the City’s artistic history is preserved as a functioning performing arts facility for future generations;
- promote the artistic culture and life of the City;
- recognise the efforts of Phoenix Theatre members and volunteers in preserving a municipal facility at no cost to Council nor the City;
- provide ongoing opportunities for locally-based artistic experience for performing arts practitioners;
- retain the use of the building for and by the community at large;
- continue a long history of Council support for the arts in this City.

Minute No.

In conclusion, Mr Kernaghan said that Phoenix Theatre Inc have demonstrated their commitment to refurbishment of the theatre and continued public performance and activity for the community in that venue. Their presence inspires and encourages others to come forward and make equally valuable community-focused contributions to the City.

Mr G Sykes spoke against the recommendation in the report as he felt that when cultural resources and performance spaces are so limited, it was unreasonable to give away a million dollar property for so little and without full assurance of its success. Council is foregoing \$50,000+ a year in sub-leases that would pay expenses to run the place under a management plan with minimal staffing. He was sure all artists and transitional Councillors would actively ensure that any decision prorogued to an Administrator in this regard, would be carried out. As past tender applicants he and others would be happy to assist in setting up an artists' based venue. Mr Sykes said that if the space is to be given to one group, there should be stringent conditions - a short term lease, with provision for termination, good conduct, cultural goals, and some realistic rent. If the space is to be a keynote investment in the arts, it is important it remains accountable to Council, the public and the arts community as a whole.

Mr Sykes felt that there seemed to be some important issues of transparency, governance, financial and also artistic cultural planning, involved in this item. In conclusion, he said that even though this is at the end of this Council's term, he trusted that Councillors would give full attention and respond in line with the mandate undertaken five years ago.

### **PUBLIC ACCESS FORUM – TRANSPORT ISSUES INCLUDING RAIL (EXISTING AND PROPOSED) AND MT OUSLEY GRADE SEPARATION**

Dr Philip Laird on behalf of the Wollongong Transport Coalition stated that the elected Council had consistently supported completion of the Maldon-Dombarton line and the Coalition hopes that this support will be continued by Council whether or not it goes into Administration. The benefits include more, as well as faster passenger trains linking the South Coast to Sydney.

The Coalition also hopes that Council can at least investigate the costs and benefits of installation of a light rail between the Wollongong Railway Station and the Entertainment Centre; plus address extending this year a footpath on Murphys Avenue, undertaking the proposed Keiraville - Gwynneville Access and Movement Study, and encouraging Roads and Maritime Services to quickly commence work on grade separation (by an overbridge) of the busy intersection at the foot of Mt Ousley.

Minute No.

**50** **COUNCIL'S RESOLUTION** – MOVED by Councillor Brown seconded Councillor Colacino that all speakers be thanked for their presentation and invited to table their notes.

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

- 1 All speakers be thanked for their presentation and invited to table their notes.
- 2 The letter received from Ms J Scrine, in relation to Item 1, be included in the list of speakers as her presentation.

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

In favour  
Against

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

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

## DISCLOSURE OF INTERESTS

Councillor Crasnich declared a non-significant, non-pecuniary conflict of interest in Item 5 as he lives within 500-600 metres of a property mentioned in the report. Councillor Crasnich advised that he would depart the Chamber during debate and voting on this Item.

## CALL OF THE AGENDA

**51** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Dorahy that the staff recommendations for Items 6, 7, 9 to 11, 13 to 17, 19 to 23 inclusive, be adopted as a block.

## **MATTER OF GREAT URGENCY – GOVERNMENT FUNDING FOR UPGRADE OF APPIN ROAD**

Councillor Connor requested that the Lord Mayor give consideration to a matter of great urgency in relation to the upgrade of Appin Road.

The Lord Mayor subsequently deemed the matter to be of great urgency.

A PROCEDURAL MOTION was MOVED by Councillor Bradbery seconded Councillor Dorahy that Council consider a matter of great urgency relating to the upgrade of Appin Road.

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

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

- 1 Wollongong City Council –
  - a Welcomes the announcements of both the Prime Minister, The Hon Malcom Turnbull MP, and the Leader of the Opposition, The Hon Bill Shorten MP, who have both promised \$50M for the upgrade of Appin Road; and,
  - b Calls on both Leaders, if elected, to honour their promise.
- 2 Council also calls on the NSW State Government to contribute to any Commonwealth funding that supports the upgrade of Appin Road, for its entirety, particularly the section of road between Bulli Tops and Appin township, with the latter to include a culvert suitable for cycling in both directions.
- 3 Council write to the NSW Minister for Roads, The Hon Duncan Gay, the Parliamentary Secretary for the Illawarra and South Coast, Gareth Ward MP, Shadow Parliamentary Secretary for the Illawarra, The Hon Ryan Park MP, and Member for Keira and the Shadow Minister for Roads, Maritime and Freight, Jodi McKay MP, informing them of Council's position and the urgent need for funding for the entire Appin Road.

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

- *Councillor Dorahy – the addition of the words 'the entire' in Part 3; and,*
- *Councillor Takacs – the addition of the words 'with the latter to include a culvert suitable for cycling in both directions' in Part 2.*



Minute No.

## DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item A, Councillor Curran departed and returned to the meeting, the time being from 6.50 pm to 6.55 pm.

## ITEM A – NOTICE OF MOTION COUNCILLOR DORAHY - RETENTION OF TITLE OF LORD MAYOR AND ELECTION BY POPULAR VOTE

**53** **COUNCIL'S RESOLUTION** – MOVED by Councillor Dorahy seconded Councillor Colacino that Council write to the Premier of New South Wales, The Hon Mike Baird MP, Minister for Local Government, The Hon Paul Toole MP, and Parliamentary Secretary for the Illawarra and South Coast, Gareth Ward MP, affirming Council's position and support, if a merger was to proceed, for the inclusion of the following in the proclamation of the new Council –

- 1 The title and position of Lord Mayor be retained; and,
- 2 The election of the Lord Mayor be conducted by popular vote.

An AMENDMENT was MOVED by Councillor Takacs seconded Councillor Merrin that Council write to the Premier of New South Wales, The Hon Mike Baird MP, Minister for Local Government, The Hon Paul Toole MP, and Parliamentary Secretary for the Illawarra and South Coast, Gareth Ward MP, affirming Council's position and support, if a merger was to proceed, for the inclusion of the following in the proclamation of the new Council –

- 1 The title and position of Lord Mayor be retained;
- 2 The election of the Lord Mayor be conducted by popular vote; and,
- 3 In addition to the Lord Mayor, fourteen Councillors to be elected in two Wards of seven.

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

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

Councillor Dorahy's 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

## SUSPENSION OF STANDING ORDERS

- 54 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Brown seconded Councillor Blicavs that Item 4 be considered as the next item of business under Suspension of Standing Orders.

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

Against Councillor Petty

## DEPARTURE OF COUNCILLOR

During the debate and prior to voting on Item 4, Councillor Takacs departed and returned to the meeting, the time being from 7.27 pm to 7.28 pm.

## ITEM 4 - PROPOSED USE OF LOT 40 DP 5330 NO 24 BRIDGE STREET, CONISTON

A PROCEDURAL MOTION was MOVED by Councillor Petty seconded Councillor Dorahy that a five minute extension be granted to Councillor Curran to address the meeting.

- 55 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Brown seconded Councillor Colacino that -

- 1 Council endorse the proposal from Phoenix Theatre Incorporated to purchase and manage the Bridge Theatre, located at Lot 40 DP 5330, 24 Bridge Street Coniston under a \$1.00 purchase arrangement in order to provide a community performance space.
- 2 Council to have first right of refusal to re-purchase the Bridge Theatre property for \$1.00, regardless of any site improvements that may have been made, if for any reason Phoenix Theatre Incorporated seek to dispose of the property.
- 3 The contract of sale conditions shall include that the first right of refusal back to Council is recorded as a caveat in the title registered at the Register General's Office and also that there cannot be a mortgage granted over the property without written Council consent.
- 4 Respective legal costs, including statutory charges, to be borne by each party, including GST payable on the purchase price of \$1.00.

Minute No.

- 5 Authority be granted for the use of the Common Seal of Council on the contract for sale and transfer documents between Phoenix Theatre Incorporated and Council.

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

Against Councillors Curran and Petty

**Standing Orders were resumed.**

**DEPARTURE OF COUNCILLORS**

During the debate and prior to voting on Item B, the following Councillors departed and returned to the meeting-

- Councillor Curran from 8.25 pm to 8.29 pm;
- Councillor Petty from 8.25 pm to 8.29 pm;
- Councillor Brown from 8.31 pm to 8.33 pm;
- Councillor Crasnich from 8.45 pm to 8.46 pm; and
- Councillor Blicavs from 8.52 pm to 8.53 pm.

**ITEM B - NOTICE OF MOTION COUNCILLOR TAKACS - ILLAWARRA ESCARPMENT STATE CONSERVATION AREA**

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Dorahy that a two minute extension be granted for Councillor Takacs to address the meeting.

**56 COUNCIL'S RESOLUTION** – MOVED by Councillor Takacs seconded Councillor Merrin that –

- 1 Council write to the Premier of New South Wales, The Hon Mike Baird MP, with copies to the Members for Heathcote, Keira, Wollongong, Shellharbour and Kiama, highlighting the need for –
  - a A significant and sustained increase in the level of recurrent funding for management of the Illawarra Escarpment State Conservation Area; and,
  - b The level of funding to be sufficient to enable the National Parks and Wildlife Service (NPWS) to maintain and improve both conservation and recreation values on all lands in the Illawarra managed by NPWS.

Minute No.

- 2 Council write to Destination Wollongong explaining its position, and encouraging Destination Wollongong to lobby the State Government for additional funding on behalf of NPWS.

**Variation** *The variation moved by Councillor Kershaw (the addition of Part 2) was accepted by the mover and seconder.*

An AMENDMENT was MOVED by Councillor Colacino seconded Councillor Blicavs that -

- 1 Council write to the Premier of New South Wales, The Hon Mike Baird MP, with copies to the Members for Heathcote, Keira, Wollongong, Shellharbour and Kiama, highlighting the need for –
  - a A significant and sustained increase in the level of recurrent funding for management of the Illawarra Escarpment State Conservation Area;
  - b The level of funding to be sufficient to enable the National Parks and Wildlife Service (NPWS) to maintain and improve both conservation and recreation values on all lands in the Illawarra managed by NPWS;
  - c Investigation of partnership models which would ensure that future recreational opportunities are sustainably managed and contribute to the proactive and ongoing maintenance of the natural environment.
- 2 Council write to Destination Wollongong explaining its position, and encouraging Destination Wollongong to lobby the State Government for additional funding on behalf of NPWS.

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

- *Councillor Dorahy – replace the words ‘land ownership’ with ‘partnership’ in Part 1(c); and,*
- *Councillor Kershaw – the addition of Part 2.*

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

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

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

## DEPARTURE OF COUNCILLOR

During the debate and prior to voting on Items C and D, Councillor Curran departed and the meeting, the time being 9.02 pm. Councillor Curran was not present for the vote taken for Items C and D.

## ITEM C - NOTICE OF MOTION COUNCILLOR MERRIN - FOOTPATH ACCESS RAMPS - COMPLIANCE WITH STANDARDS AND ITEM D - DRIVEWAY DESIGN - SAFE FOOTPATH CROSSINGS

Items C and D were considered concurrently.

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

- 1 Council receive a report which includes a review of all footpath disabled access ramps for compliance with the relevant Standards (Standards Australia/New Zealand) in terms of size, slope, surface treatment, direction etc.
- 2 The report outline measures for –
  - a Repairing ramps which do not meet the Standards; and,
  - b Ensuring that all future ramps are built according to the Standards.
- 3 Council receive a report on driveway design standards across the City, with particular reference to the intersection of driveways and footpaths.
- 4 The report –
  - a Consider the impact of driveway construction on the slope, evenness and surface treatment of footpaths, which may affect pedestrian and disabled comfort and safety;
  - b Provide comparisons with other Councils in terms of requirements for driveway design standards which ensure minimal changes when traversing driveways from footpaths; and,
  - c Outline means for regulation or development conditions to ensure that driveway design and construction does not impede pedestrian and disabled access and movement.

## **ITEM D - NOTICE OF MOTION COUNCILLOR MERRIN - DRIVEWAY DESIGN - SAFE FOOTPATH CROSSINGS**

Item D was considered in conjunction with Item C (refer Minute Number 57).

## **ATTENDANCE OF COUNCILLOR**

During the debate and prior to voting on Item E, Councillor Curran returned to the meeting, the time being 9.07 pm.

## **ITEM E - COUNCILLOR MERRIN - ASBESTOS MANAGEMENT POLICY**

**58** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Takacs that Council review and revise the 2014 Asbestos Policy in light of the recently revised model NSW Asbestos Management Policy prepared by Local Government NSW.

## **ITEM F - ITEM LAID ON TABLE - COUNCIL MEETING 9 MAY 2016 - NOTICE OF MOTION - COUNCILLOR MARTIN - PORT KEMBLA COMMUNITY INVESTMENT FUND**

On 9 May 2016 the following motion was moved by 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 Brown seconded Councillor Blicavs 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.

MOVED by 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

Minute No.

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.

At this stage, Councillor Brown FORESHADOWED a MOTION should Councillor Martin's motion be defeated.

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

In favour  
Against

Councillors Martin, Takacs and Curran

Councillors Kershaw, Connor, Brown, Merrin, Blicavs, Dorahy, Colacino, Crasnich, Petty and Bradbery

Following the defeat of Councillor Martin's Motion, Councillor Brown's FORESHADOWED MOTION became the MOTION.

**59 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Martin that a report be prepared to investigate the opportunity of bringing forward the future Port Kembla Neighbourhood Plan.

## DEPARTURE OF COUNCILLOR

During the debate and prior to voting on Item 1, Councillor Colacino departed and returned to the meeting, the time being from 9.31 pm to 9.33 pm.



## **ITEM 1 - IMPLEMENTATION PLAN FOR THE USE OF CHANGED BLOCKAGE FACTORS FOR FLOOD ASSESSMENTS**

A PROCEDURAL MOTION was MOVED by Councillor Curran seconded Councillor Martin that a five minute extension be granted to Councillor Petty to address the meeting.

**60 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Dorahy seconded Councillor Brown that -

- 1 The WMA Water Review of Conduit Blockage Policy Summary Report and Technical Report May 2016 be noted.
- 2 The WMA Water Review of Conduit Blockage Policy Summary and Technical Reports (May 2016), be placed on Council's website for public information.
- 3 Council endorse the following actions to implement the recommendations of the WMA Water Review of Conduit Blockage Policy -
  - a Write to the Department of Planning and Environment seeking clarification on whether variable freeboard applies, and seek approval if necessary;
  - b Continue to use Council's current Flood Studies until they are amended on the basis that they contain the most up to date flood information available;
  - c Amend relevant Section 149 Certificates and Flood Certificates to contain an additional note that flood levels may change due to a revised blockage policy and pending flood study reviews;
  - d Utilise the revised blockage parameters in the review of existing or preparation of new Flood Studies or Floodplain Risk Management Studies (following Department of Planning and Environment comment and approval if required);
  - e Utilise the revised blockage parameters in any flood assessment in support of a development application or construction certificate application (following Department of Planning and Environment comment and approval if required); and,
  - f Amend Wollongong DCP 2009, Wollongong LEP 2009, Wollongong LEP 1990 and Wollongong LEP No. 38 (1984) as required, to make it consistent with the WMA Water recommendations.

Minute No.

- 4 Council note that an accelerated program for reviewing Flood Studies and Floodplain Risk Management Studies is underway and additional budget allocation for this purpose is included in the Draft Annual Plan for 2016-17.
- 5 Council write to the Insurance Council of Australia and request a meeting to discuss the findings and implications of Council's Conduit Blockage Policy Review.

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

- *Councillor Kershaw – change the word 'imminent' to 'pending' in Part 3(c); and,*
- *Councillor Merrin – removal of 4(a) 'Council engage with the NEFRAG Group, in particular Mr John Mathieson, to be invited to participate in the review and consider alternative options to Flooding Measurement, especially in the Northview Estate area'. Following this deletion, Part 4(b) subsequently became Part 4.*

A PROCEDURAL MOTION was MOVED by Councillor Curran seconded Councillor Petty that this matter lay on the table. The PROCEDURAL MOTION was LOST.

Councillor Dorahy's 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

### **EXTENSION OF MEETING TIME**

A PROCEDURAL MOTION was MOVED by Councillor Bradbery seconded Councillor Dorahy that the meeting time be extended to 10.30 pm.

### **DEPARTURE OF COUNCILLORS**

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

- Councillor Dorahy from 9.58 pm to 10.00 pm;
- Councillor Martin from 9.58 pm to 10.00 pm; and,
- Councillor Colacino from 10.02 pm to 10.04 pm.

Minute No.

## **ITEM 2 - A CITY FOR PEOPLE, WOLLONGONG PUBLIC SPACES PUBLIC LIFE**

**61 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Blicavs seconded Councillor Connor that -

- 1 The report "A City for People, Wollongong Public Spaces Public Life 2016" be adopted as the updated policy for the Wollongong City Centre (Attachment 1 of the report).
- 2 The accompanying Wollongong Public Spaces Public Life Study (Attachment 2 of the report), Wollongong Public Life Data (Attachment 3 of the report) and Wollongong Public Spaces Public Life; Engagement Report (Attachment 4 of the report), be noted.
- 3 The accompanying Implementation Plan (Attachment 5 of the report) be noted and be used to inform future Annual Planning priorities and budgeting processes.
- 4 The community be thanked for their involvement and contribution via Council's website and social media.
- 5 The Revitalising Wollongong City Centre Vision (2007), Civic Improvement Plan (2007) and Wollongong CBD Action Plan (2010) be retired as policy documents and archived.

## **ITEM 3 - REVIEW OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 - SUSTAINABILITY**

**62 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Brown that -

- 1 The Wollongong DCP Sustainability Review (Attachment 2 of the report) and following chapters of the Wollongong Development Control Plan 2009, as detailed in Attachment 3 of the report, be exhibited for a minimum period of 28 days, subject to document A1 Introduction – Part 4 – Aims and Objectives of this Development Control Plan – Point (c) being amended to read 'To ensure development conforms with the principles of Ecologically Sustainable Development'.
  - a A1 Introduction
  - b A2 Ecologically Sustainable Development
  - c B1 Residential Development
  - d B3 Mixed use Development
  - e B5 Industrial Development
  - f D13 Wollongong City Centre
  - g E3 Car Parking, Access, Servicing/Loading Facilities and Traffic Management

Minute No.

- h E6 Landscaping
- i Appendix 4 Definitions

- 2 The exhibition process include informing industry stakeholders as well as the broader community of the proposed amendments.

**Variation** *The variation moved by Councillor Takacs to add the words “subject to document A1 Introduction – Part 4 – Aims and Objectives of this Development Control Plan – Point (c) being amended to read ‘To ensure development conforms with the principles of Ecologically Sustainable Development’ ” to Part 1 was accepted by the mover and seconder.*

#### **ITEM 4 - PROPOSED USE OF LOT 40 DP 5330 NO 24 BRIDGE STREET, CONISTON**

This Item was considered under Suspension of Standing Orders (refer Minute Numbers 54 and 55).

#### **DEPARTURE OF COUNCILLOR**

Due to a prior disclosure of interest, Councillor Crasnich was not present during the debate and voting for Item 5.

#### **ITEM 5 - PROPOSED CLOSURE AND SALE OF PUBLIC PATHWAY ADJOINING NO 7 BYRARONG AVENUE, MANGERTON**

MOVED by Councillor Brown seconded Councillor Dorahy that the report be noted.

At this stage, Councillor Blicavs FORESHADOWED a MOTION should Councillor Brown’s motion be defeated.

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

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

The Lord Mayor used his CASTING VOTE to vote AGAINST the MOTION.

Following the defeat of Councillor Brown’s Motion, Councillor Blicavs’ FORESHADOWED MOTION became the MOTION.

Minute No.

**63 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Blicavs seconded Councillor Curran that -

- 1 Council consent to the closure of the public pathway adjoining Lot 43 DP 19917 No 7 Byrarong Avenue, Mangerton, as shown on Attachment 1 of the report and upon closure, the land be declared Operational land under the Local Government Act 1993.
- 2 Subject to formal closure, Council authorise the sale of the public pathway adjoining Lot 43 DP 19917 No 7 Byrarong Avenue, Mangerton, as shown on the attachment to the report, to the adjoining owners or their nominee, on the following conditions:
  - a Purchase price of \$25,000 (GST exc).
  - b The purchaser be responsible for all costs associated with the closure and sale including survey, plan lodgement, legal and transfer costs, including Council's reasonable legal fees.
  - c A Right of Footway be created over the subject land in favour of Lot 9 DP 18859 No 5 Byrarong Avenue, Mangerton, as shown on the attachment to the report.
- 3 Authority be granted to affix the Common Seal of Council to the plan of survey and transfer documents and any other documentation required to give effect to this resolution.

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

The Lord Mayor used his CASTING VOTE to SUPPORT the MOTION.

### **EXTENSION OF MEETING TIME**

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Blicavs that the meeting time be extended to 11.00 pm.

Minute No.

## **ITEM 6 - PROPOSED SALE OF 40 AND 42 GEORGE AVENUE, BULLI**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 51).

### **COUNCIL'S RESOLUTION –**

- 1 Council authorise the sale of 40 and 42 George Avenue, Bulli, on the open market either by auction or by private treaty.
- 2 The General Manager be authorised to set the reserve price.
- 3 Based on geotechnical advice received, the lots be sold in one line, ie together.
- 4 Each party is responsible for their own costs associated with the sale.
- 5 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 - CENTRAL LIBRARY - PROPOSED CHANGE TO OPENING HOURS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 51).

**COUNCIL'S RESOLUTION –** Council approve extended operating hours for Central Library, to open from 9.00 am Monday to Friday, as of Tuesday, 14 June 2016.

## **ITEM 8 - LOCAL GOVERNMENT NSW - ELECTION OF BOARD OF DIRECTORS - NOMINATION OF VOTING DELEGATES**

- 64 COUNCIL'S RESOLUTION –** RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Kershaw that Council reaffirm the voting delegates nominated for the 2015 Annual Conference, as resolved on 3 August 2015; being the Lord Mayor, and Councillors Kershaw, Connor, Martin, Blicavs, Crasnich and Curran.

## **ITEM 9 - DRAFT WOLLONGONG COMMUNITY SAFETY PLAN 2016 - 2020**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 51).

### **COUNCIL'S RESOLUTION** –

- 1 The Draft Wollongong Community Safety Plan 2016-2020 and Draft Wollongong Community Safety Plan 2012-2016 Snapshot be placed on public exhibition for 28 days commencing 1 June 2016.
- 2 Following the public exhibition period a final draft of the Wollongong Community Safety Plan 2016-2020 and the final draft Wollongong Community Safety Plan 2012-2016 Snapshot be presented to Council for adoption at the Council meeting on Monday, 15 August 2016.

## **ITEM 10 - POLICY REVIEW: GLASS FREE AREAS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 51).

**COUNCIL'S RESOLUTION** – The revised Glass Free Areas Policy, be adopted.

## **ITEM 11 - EXTENSION OF FUNDING CONTRACT - COMMUNITY TRANSPORT SERVICES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 51).

### **COUNCIL'S RESOLUTION** –

- 1 Council endorses acceptance of the extension to Council's existing contract with Transport for NSW for the delivery of Community Transport services, for the period 1 July 2016 to 30 September 2016.
- 2 Council delegates signature of the contract for extension of funding to the General Manager.

## **ITEM 12 - TENDER T15/41 BULLI SURF LIFE SAVING CLUB EXTENSION AND BUILDING RENEWAL WORKS**

MOVED by Councillor Brown seconded Councillor Takacs that -

- 1 a In accordance with clause 178(1) (b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for the extension and refurbishment of Bulli Surf Life Saving Club 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 clause 178(4) of the Local Government (General) Regulation 2005, 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, firstly with the tenderers, and, in the event of failure of negotiations with those tenderers, any other party, with a view to entering into a contract in relation to the subject matter of the tender.
- 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.

**65 COUNCIL'S RESOLUTION** - An AMENDMENT was MOVED by Councillor Kershaw seconded Councillor Brown that –

- 1 a In accordance with clause 178(1) (b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for the extension and refurbishment of Bulli Surf Life Saving Club 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 clause 178(4) of the Local Government (General) Regulation 2005, 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.



Minute No.

- 2 Council delegate to the General Manager the authority to negotiate, firstly with the tenderers, and, in the event of failure of negotiations with those tenderers, any other party, and following conclusion of those negotiations, the matter be reported back to Council for consideration.

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

Councillor Kershaw's AMENDMENT then BECAME the MOTION.

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

### **ITEM 13 - TENDER T16/14 – PEDESTRIAN BRIDGE UPGRADE AT FARRELL ROAD, BULLI**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 51).

#### **COUNCIL'S RESOLUTION –**

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Abergeldie Contractors Pty Ltd for the Pedestrian Bridge Upgrade at Farrell Road, Bulli in the sum of \$326,541.00, 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 - TENDER T15/29 - SCHEDULED RESEALING OF PAVERS IN THE CROWN STREET MALL**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 51).

### **COUNCIL'S RESOLUTION –**

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Enviropath Pty Ltd for resealing of pavers in the Crown Street Mall in the sum of \$133,407.00, 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 15 - TENDER T16/16 - DEBRIS CONTROL STRUCTURE ADJACENT TO COSGROVE AVENUE, KEIRAVILLE**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 51).

### **COUNCIL'S RESOLUTION –**

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Cadifern Pty Ltd for the provision of a debris control structure for Cosgrove Avenue, Keiraville, in the sum of \$150,208.45, 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 16 - PROPOSED RENEWAL OF LEASE OF PART OF WOLLONGONG GOLF COURSE - PART LANG PARK FORESHORE (D580076) RESERVE**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 51).

### **COUNCIL'S RESOLUTION** –

- 1 Council provide approval to enter into a new Lease Agreement with Wollongong Golf Club Limited for a period of 20 years commencing on 1 January 2016.
- 2 Council delegate to the General Manager the authority to finalise and execute the Lease Agreement and any other documentation to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the Lease Agreement and any other documentation, should it be required to give effect to this resolution.

## **ITEM 17 - 2016 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT – COUNCILLOR ATTENDANCE**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 51).

### **COUNCIL'S RESOLUTION** – Council endorse:

- 1 The attendance of Councillors Bradbery, Kershaw and Blicavs at the 2016 National General Assembly of Local Government in Canberra staying four nights on business.
- 2 The Lord Mayor as the voting delegate.

Minute No.

## **ITEM 18 - ANNUAL FEES PAYABLE TO THE LORD MAYOR AND COUNCILLORS FOR 2016/2017**

**66 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Merrin seconded Councillor Colacino that the annual fees payable for the period 1 July 2016 to 30 June 2017 be -

- 1 \$28,240 for all Councillors; and
- 2 \$82,270 additional fee for the Lord Mayor.

A PROCEDURAL MOTION was MOVED by Councillor Petty seconded Councillor Curran that the matter lay on the table. The PROCEDURAL MOTION was LOST.

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

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

## **ITEM 19 - ANNUAL FEES PAYABLE TO INDEPENDENT MEMBERS OF THE AUDIT AND CORPORATE GOVERNANCE COMMITTEES FOR 2016/2017**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 51).

**COUNCIL'S RESOLUTION** – The annual fees payable for the period 1 July 2016 to 30 June 2017 be -

- 1 \$3,321 (ex GST) for Independent Chairpersons; and
- 2 \$2,230 (ex GST) for Independent Members.

## **ITEM 20 - APRIL 2016 FINANCIALS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 51).

**COUNCIL'S RESOLUTION** –

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

Minute No.

### **ITEM 21 - STATEMENT OF INVESTMENTS - APRIL 2016**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 51).

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

### **ITEM 22 - DRAFT QUARTERLY REVIEW STATEMENT - MARCH 2016**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 51).

**COUNCIL'S RESOLUTION** –

- 1 The draft Quarterly Review Statement March 2016 be adopted.
- 2 The Budget Review Statement as at March 2016 be adopted and revised totals of income and expenditure be approved and voted.

### **ITEM 23 - 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 51).

**COUNCIL'S RESOLUTION** – Council note the report.

### **THE MEETING CONCLUDED AT 10.50 PM**

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 27 June 2016.

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Chairperson