

MINUTES

ORDINARY MEETING OF COUNCIL

at 6.01pm

Monday 11 March 2013

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin (until 8.46 pm), Blicavs, Dorahy, Crasnich, Curran and Petty (from 6.28 pm)

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 (Acting) – M Riordan, Manager Governance and Information – L Kofod, Manager Finance – B Jenkins, Manager Property and Recreation (Acting) – M Bond, Manager Environmental Strategy and Planning – R Campbell, Manager Community Cultural and Economic Development – T Buchanan, Manager Infrastructure (Acting) – M Malone and Project Manager – P Coyte

Apology

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- 36** **RESOLVED UNANIMOUSLY** on the motion of Councillor Martin seconded Councillor Connor that the apology tendered on behalf of Councillor Colacino be accepted.

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DISCLOSURE OF INTEREST

Councillor Martin declared a non-significant, non-pecuniary conflict of interest in Item 2 insofar as she is employed by the NSW Department of Planning and Infrastructure.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 25 FEBRUARY 2013

- 37** **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, 25 February 2013 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM – ILLAWARRA REGIONAL MOUNTAIN BIKE PARK

On behalf of the Wollongong Mountain Bike Club (WMBC), Mr S Carson, advised that mountain biking had become a popular mainstream sport over the past 10 years and many government authorities had embraced it for its healthy outcomes, by developing trails and parks specifically for off-road cycling. He felt that there was world class terrain in the hills behind Wollongong with unrivalled views, and whilst nearby Councils supported mountain biking, Wollongong club members had to drive for many hours to attend events. He said that some events attract several thousand riders.

Mr Carson also stated that the sport has little disturbance on the bushland and a lot of riders actively maintain tracks. Infrastructure was inexpensive to build and maintain and he said that WMBC could offer a financial contribution towards the cost of the report and the development of facilities. Also, he stated that the Club has access to funding. In conclusion, he asked that Council support the Notice of Motion on tonight's business paper.

DEPARTURE OF COUNCILLOR

During Mr Allen's address, Councillor Crasnich departed and returned to the meeting, the time being from 6.12 pm to 6.13 pm.

PUBLIC ACCESS FORUM - MANAGEMENT OF MT KEIRA ROAD CLOSURE

Mr T Booth advised that he represented the interests of a range of cyclists and walkers. He said that the Mt Keira Road hill was the safest and most picturesque of the City's escarpment roads. Douglas Partners estimated that there are 45,000 cycle trips and 3,500 walking trips per year on Mt Keira Road. In the brief to Douglas Partners for Options 1 and 2, Council specified concrete jersey barriers, not closer than three metres from the toe of the slope or road cutting. Approximately 40 of these rented, 2.5 tonne, three metre long barriers are currently in place to prevent vehicle access. However, Mr Booth said that professional advice from an experienced road traffic engineer suggests a less expensive barrier system, with appropriate warning signage, could achieve the same risk outcomes at a much lower cost.

Mr Booth suggested that Council adopt Option 1 in principle and following such a decision, opportunity be given for key stakeholders to explore less expensive strategies to maintain the tolerable risk outcomes. The partial opening of Mt Keira Road to cyclists and pedestrians prior to the commencement of major works will deliver a significant contribution to Wollongong as a healthy and liveable city.

Mr C Allen addressed the meeting and felt that Option 1 to reopen the road for cyclists and walkers was not as expensive as stated and that the true cost was value for money in promoting a 'healthy community in a liveable city'. Opening the road to cyclists and walkers only is an opportunity to have a unique local attraction for individuals, groups and families to ride or walk, without traffic, safely through the unique natural beauty of this mountain pass. He said it would also be likely to increase visitor numbers to Byarong Park and Mt Keira Lookout.

Mr Allen stated that the current closure (Option 3) costs \$35,000 every 20 weeks. He felt concrete barriers could be relocated and offset against the Option 1 maintenance costs. Also, the commencement of stabilisation works could be over a year away as Council is still investigating design options and is yet to secure a funding allocation which will then need to be followed by tender applications. In conclusion, he said that Option 1 allowed for emergency access, whereas Option 3 did not.

PUBLIC ACCESS FORUM – LIVE MUSIC AND THE ESTABLISHMENT OF A LIVE MUSIC TASKFORCE

Ms J Hunt stated that things were happening in Wollongong in terms of live music which were exciting and culturally innovative. She said that cultural innovation had the potential to revitalise the City and it also has the potential for community engagement. This was important, particularly when considering the University and how it was expanding the youth sector in our community.

Ms Hunt said that there was administrative over-reach and she felt that policing and lack of policy were issues which needed to be addressed in order for live music to survive in Wollongong. In conclusion, Ms Hunt requested that Council consider a change to Councillor Martin's Notice of Motion along the lines that a Live Music Taskforce be established, modelled on Sydney City Council's Taskforce, to investigate and find solutions to the issues faced by the live music scene in Wollongong.

Mr J Tickner outlined some of his experiences as a musician playing gigs in and around Wollongong. He said that Yours and Owls was a great venue, with a capacity of just over 70. The Patch was the venue of choice for touring bands, with over \$70,000 spent on sound-proofing. However, a letter from NSW Police advised that live music at the Patch had to cease. He said that when bands come to Wollongong, they have very little choice of where to play. Whilst valuing the NSW Police in the context of Wollongong, Mr Tickner felt that were times when policing was counter-productive and he gave some instances where he felt that this was the case.

In conclusion, Mr Tickner said that live music was not just a youth issue, but it was about fostering creativity in the Illawarra for people of all ages. He said that live music had the power to bring people together.

ATTENDANCE OF COUNCILLOR

During Mr Tickner's address, the time being 6.28 pm, Councillor Petty attended the meeting.

38 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that all speakers be thanked for their presentation and invited to table their notes, if they so desire.

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ITEM A – NOTICE OF MOTION - COUNCILLOR MARTIN - REVIEW OF THE WOLLONGONG CULTURAL PLAN

39 COUNCIL'S RESOLUTION - MOVED Councillor Martin seconded Councillor Brown that -

- 1 Council seek a report outlining the timeframe for commencing the review and subsequent development of a new Cultural Plan for the entire Local Government area.
- 2 The review and drafting include consultations and workshops around issues and opportunities to enhance the current and future development of the local live music sector, the arts, community cultural development, social enterprises, events and festivals, as critical contributors to the growth and resilience of Wollongong and its neighbourhoods.
- 3 The Cultural Plan should provide a future framework that encourages the growth of the creative industries, whilst also encouraging the attractiveness of Wollongong as a place to live and invest in future activities that are built on a resilient and diverse arts sector.
- 4 Council establish a Live Music Taskforce to work in concert with stakeholders, venue owners, Council and NSW Police, with the aim of developing within the Cultural Plan, a Live Music Protocol for the City of Wollongong and its suburbs.

An AMENDMENT was MOVED by Councillor Bradbery seconded Councillor Dorahy that -

- 1 Council seek a report outlining the timeframe for commencing the review and subsequent development of a new Cultural Plan with relevant and interested parties for the entire Local Government area.
- 2 The Cultural Plan should provide a future framework that encourages the growth of the creative industries, whilst also encouraging the attractiveness of Wollongong as a place to live and invest in future activities that are built on a resilient and diverse arts sector.

The AMENDMENT on being PUT to the VOTE was LOST.

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

The MOTION was PUT and CARRIED UNANIMOUSLY.

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DEPARTURE OF COUNCILLOR

During consideration of Item B and prior to voting on the item, Councillor Curran departed and returned to the meeting, the times being from 7.07 pm to 7.08 pm.

ITEM B - NOTICE OF MOTION - COUNCILLOR MARTIN - CONTRACT A SENIOR URBAN DESIGNER TO OVERSEE THE PUBLIC DOMAIN

MOVED Councillor Martin seconded Councillor Crasnich that Wollongong City Council seek to contract a Senior Urban Designer to ensure that Wollongong has the best looking city we can have, based on high quality public places and spaces.

An AMENDMENT was MOVED by Councillor Brown seconded Councillor Connor that the matter of Council increasing its urban design capacity be included in the current budget deliberations.

40 **COUNCIL'S RESOLUTION** - A FORESHADOWED AMENDMENT was MOVED by Councillor Connor seconded Councillor Dorahy that a report come to Council detailing the cost and benefits of employing, on a retainer basis, an Urban Designer, and such outcomes be considered in the 2014-2015 budget deliberations.

The AMENDMENT on being PUT to the VOTE was LOST.

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

The FORESHADOWED AMENDMENT then BECAME the AMENDMENT.

The AMENDMENT on being PUT to the VOTE was CARRIED.

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

The AMENDMENT then BECAME the MOTION.

The MOTION was PUT and CARRIED.

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

DEPARTURE OF COUNCILLORS

During consideration of Item C and prior to voting on the item Councillors Dorahy and Brown departed and returned to the meeting, the times being from 8.09 pm to 8.11 pm.

ITEM C – NOTICE OF MOTION - COUNCILLOR MARTIN - ESTABLISH PLACE MANAGERS FOR EACH WARD

- 41** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Martin seconded Councillor Curran that a report be provided to Council over the next quarter that investigates the use of Place Management principles across the local government area, with an investigation of the possible merit of having a Place Manager for each Ward.

DEPARTURE OF COUNCILLORS

During consideration of Item D and prior to voting on the item, Councillor Blicavs departed and returned to the meeting, the times being from 8.12 pm to 8.13 pm and Councillor Crasnich departed and returned to the meeting, the times being from 8.19 pm to 8.20 pm.

ITEM D – NOTICE OF MOTION - COUNCILLOR CONNOR - FORMATION OF COMMITTEE TO CELEBRATE 200 YEARS OF EUROPEAN SETTLEMENT IN WOLLONGONG

- 42** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor Crasnich that -
- 1 A Committee of Council be formed to facilitate the development of events and activities to celebrate the 2015-2016 Bicentenary of Wollongong. These celebrations are to be inclusive and recognise the multiple cultural stories that make up the heritage of our City.
 - 2 The composition (membership) of the Committee and proposed Charter be the subject of a report to the Council meeting on 9 December 2013.

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- 3 The report also consider the following –
 - a These celebrations are to be inclusive and recognise the multicultural heritage that constitutes the social diversity of our City.
 - b The Committee acknowledge the traditional custodians of this land who occupied the region before European settlement.
 - c The Committee acknowledge sensitivities surrounding the impact European settlement has had on the local Aboriginal community.
 - d Council therefore recognises not all of the Aboriginal community may wish to celebrate this day in 2016.
- 4 The report include financial and budgetary support, internally and externally sourced, for inclusion in the 2014-2015 and 2015-2016 Annual Plans and related Budgets.

Variation *The variation put forward by Councillor Bradbery (the addition of Part 3) was accepted by the mover and seconder.*

ITEM E – NOTICE OF MOTION - COUNCILLORS BLICAVS AND TAKACS - ILLAWARRA REGIONAL MOUNTAIN BIKE PARK

43 **COUNCIL'S RESOLUTION** - MOVED Councillor Takacs seconded Councillor Blicavs that –

- 1 A report come to Council on the feasibility of establishing a mountain bike park in the Illawarra.
- 2 The report consider land availability, operating models, and detail relevant features of existing mountain bike parks throughout Australia and New Zealand, together with consideration of environmental protection measures to ensure no additional damage to native flora, fauna and eco systems in the Illawarra escarpment and foothills.

Variation *The variation put forward by Councillor Merrin (the words 'together with consideration of environmental protection measures to ensure no additional damage to native flora, fauna and eco systems in the Illawarra escarpment and foothills') was accepted by the mover and seconder.*

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An AMENDMENT was MOVED by Councillor Dorahy seconded Councillor Crasnich that -

- 1 A report come to Council on the feasibility and process for –
 - a Establishing a mountain bike park in the Illawarra; and
 - b Developing a Master Plan for eco tourism, sport, recreation and cultural activities and events.
- 2 The report consider land availability, land ownership, current operations/facilities, eg Scout Camp and Girl Guides, and methods of ensuring a strategic vision for the Illawarra Escarpment.

The AMENDMENT on being PUT to the VOTE was LOST.

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

The MOTION was PUT and CARRIED UNANIMOUSLY.

CALL OF THE AGENDA

- 44 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that the staff recommendations for Items 2 and 4 to 8 inclusive, be adopted as a block.

A PROCEDURAL MOTION was MOVED by Councillor Merrin seconded Councillor Crasnich that the meeting adjourn for a five minute break.

At this stage, the time being 8.46 pm, the meeting was adjourned.

The meeting resumed at 8.51 pm with all Councillors in attendance, with the exception of Council Merrin, who had departed the meeting.

ITEM 1 - MANAGEMENT OF THE MT KEIRA ROAD CLOSURE

- 45 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Takacs seconded Councillor Blicavs that the matter be laid on the table, pending an onsite inspection with Council staff, representatives from the cycling community and interested Councillors.

ITEM 2 - DRAFT PLANNING AGREEMENT - FORMER BULLI BRICKWORKS - BULLI BUILDING COMPANY DEVELOPMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 44).

COUNCIL'S RESOLUTION -

- 1 Council endorse the entering into of a Planning Agreement for the dedication of land zoned E3 Environmental Management and undertaking of embellishment works to expand and enhance an existing public reserve as part of a subdivision proposal at Lot 2 DP 582940 and Lot 207 DP 228538 Princes Highway, Bulli, generally in accordance with the terms of the draft Planning Agreement (Attachment 3 of the report).
- 2 Authority be delegated to the General Manager to finalise and execute the Planning Agreement with the proponent, generally in accordance with the terms of the draft Planning Agreement attached to the report.
- 3 Letters be sent to persons who made submissions advising of the outcome and thanking them for their input.

ITEM 3 - SUBMISSION TO THE INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL

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

- 1 Council endorse the draft submission (attached to the report) to the Local Government Review Panel with the following amendments -
 - a Page 2, first paragraph of the response, as follows:
Delete 'Council does not support amalgamations in our region', and insert: "Council does not support amalgamations in our region unless –

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- *there can be demonstrated economic efficiencies and financial benefit for ratepayers;*
 - *there will be an improvement in community services resulting from any financial benefits;*
 - *there is maintained a ‘community of interest’; and*
 - *there is a degree of public support for the proposal.”*
- b Page 2, Point 2 – Fiscal Responsibility and Financial Management – second paragraph – the General Manager reword to ensure consistency with response to Question 8 in the Survey.
- c Page 3, Point 5 – Governance – fourth paragraph. The deletion of the words “In particular a clarification of the roles of Mayor and possibly ‘cabinet Councillors’ will assist in clarifying relationships and roles of staff and Councillors”.
- 2 Council endorse the survey, attached to the report, subject to the following amendments -
- Question 3:* Response should be ‘Agree’, rather than ‘Strongly Agree’.
- Question 7:* Response should be ‘Unsure’ rather than ‘Agree’.
- Question 16:* Response should be ‘Unsure’ rather than ‘Disagree’.
- Question 20:* Response should be ‘Unsure’ rather than ‘Agree’.
- Question 21:* Response should be ‘Unsure’ rather than ‘Agree’.

Variations The variations put forward by –

- *Councillor Connor (point 1 (c) of the above motion)*
- *Councillor Petty (point 1 (b) of the above motion and a change to Point 2, Question 20, from ‘Response should be Strongly Disagree rather than Agree’ to now read ‘Response should be Unsure rather than Agree’)*
- *Councillor Curran (change to the response to Question 21, listed in the report, from Agree to Unsure)*

were accepted by the mover and seconder.

ITEM 4 - REVISED DRAFT PRIVACY MANAGEMENT PLAN

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 44).

COUNCIL'S RESOLUTION - Council adopt the revised draft Privacy Management Plan.

ITEM 5 - PROPOSED ACQUISITION OF NOS 81 AND 83 KOLOONA AVENUE, FIGTREE - FLOOD MITIGATION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 44).

COUNCIL'S RESOLUTION -

- 1 Subject to funding being provided by the Office of Environment and Heritage to the amount of \$546,666 (GST will not apply), Council authorise the acquisition of:
 - a Lot 2 DP 225368 No 81 Koloona Avenue, Figtree, as shown on the attachment to the report, on the following terms:
 - i Purchase price of \$410,000 (GST will not apply).
 - ii Each party being responsible for their own legal costs.
 - b Lot 1 DP 225368 No 83 Koloona Avenue, Figtree, as shown on the attachment to the report, on the following terms:
 - i Purchase price of \$410,000 (GST will not apply).
 - ii Each party being responsible for their own legal costs.
- 2 Council endorse the allocation of the purchase price, demolition cost and associated costs from the current Capital Budget provided for floodplain management.
- 3 Upon the acquisition being finalised, Lots 1 and 2 DP 225368 Nos 81 and 83 Koloona Avenue, Figtree be classified as Community land in accordance with the Local Government Act 1993.
- 4 Authority be granted to affix the Common Seal of Council to the transfer documents and any other documents required to give effect to this resolution.

ITEM 6 - TENDER T12/37 – REPLACEMENT OF FIVE (5) BUS SHELTERS WITHIN WOLLONGONG CBD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 44).

COUNCIL'S RESOLUTION -

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Australian Built Urban Design (ABUD) Pty Ltd for Wollongong CBD Bus Interchange Upgrade, in the sum of \$202,650, 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 7 - TENDER T12/41 - PROVISION OF POOL BLANKETS TO COUNCIL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 44).

COUNCIL'S RESOLUTION -

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Orimatech for provision of pool blankets to Council, in the sum of \$129,000, 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.

ITEM 8 - TENDER T12/27 - CONSTRUCTION OF A NEW LIFEGUARD AMENITIES FACILITY - COLEDALE BEACH, COLEDALE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 44).

COUNCIL'S RESOLUTION -

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Deane Construction (NSW) Pty Ltd for Construction of a New Lifeguard Facility – Coledale Beach, Coledale, in the sum of \$197,331, 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.

THE MEETING CONCLUDED AT 9.49 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 25 March 2013.

Chairperson