



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 14 September 2015

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw (from 6.12 pm to 8.11 pm), 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, Manager Governance and Information – K Cowgill, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning – R Campbell, Manager Human Resources – T Tyrpenou, Manager Community Cultural and Economic Development – K Hunt, Manager Infrastructure Strategy and Planning – M Dowd, Manager Project Delivery – G Whittaker, Manager City Works and Services (Acting) – T Subotic and Manager Development Assessment and Certification – M Riordan

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DISCLOSURE OF INTERESTS

Councillor Martin declared a non-significant, non-pecuniary conflict of interest in Items 6 and 7 insofar as she is employed by the Department of Planning and Environment. However, Councillor Martin advised that she does not work on Wollongong-based matters.

NATIONAL ECONOMIC DEVELOPMENT AWARDS

Councillor Blicavs advised that on 8 September 2015 she attended the National Economic Development Conference where Council was a finalist in three Award categories. Council was a finalist for its Marketing Strategy and also in the category of Community Economic Development for the Façade Program and the Night-Time Economic Strategy.

Council was a winner in the Economic Innovation Category and Councillor Blicavs extended her congratulations to all staff involved in these achievements.

LOCAL GOVERNMENT YOUTH WEEK AWARDS

Councillor Connor attended the Local Government Youth Week Awards and advised that Council was a finalist for the most innovative Youth Week Program for 2015. He extended his congratulations and, in particular, acknowledged the work of staff in engaging our youth.

AUSTRALIAN INNOVATION EXCELLENCE 2015 AWARDS

The Lord Mayor tabled an Award received by Council in the New Australian Innovation Excellence 2015 Awards for Utilisation of ePathway and Pathway products. Council's use of these products impressed judges in respect to out-of-the-box processes.

CERTIFICATE OF RECOGNITION – ILLAWARRA ACADEMY OF SPORT

The Lord Mayor presented a Certificate of Recognition received from the Illawarra Academy of Sport acknowledging Council's longstanding contribution to the Academy and for Council's continued support in 2015.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 24 AUGUST 2015

122 **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, 24 August 2015 (a copy having been circulated to Councillors) be taken as read and confirmed.

ATTENDANCE OF COUNCILLOR

During the address by Mr B McClelland, Councillor Kershaw attended the meeting, the time being 6.12 pm.

PUBLIC ACCESS FORUM - MOTORHOME STOP-OVER FACILITIES

On behalf of the Illawarra Yacht Club, Mr Matt O'Hara asked Councillors to consider the need for increased tourism in the Warrawong area. He said that the local economic situation had not been enough to sustain the Illawarra Yacht Club prior to its amalgamation with the Oak Flats Bowling Club, two years ago. Club records show that a good proportion of customers are local tourists (outside 5 kms).

In conclusion, Mr O'Hara said that increased tourism could make the Club financially viable, resulting in increased economic activity in the local area. This would in turn increase employment opportunities for local residents. Currently, the majority of employees are working mothers and 18-30 year old males and females who are entry level hospitality workers. Both these groups seek employment in the hospitality due to the flexible work arrangements and opportunities for low skilled workers.

Mr B McClelland, on behalf of the Campervan and Motorhome Club of Australia (CMCA), said that there was a need for Council to work with CMCA to investigate the establishment of recreational vehicle (RV) stopover facilities. CMCA is currently working with all levels of government in formulating policy in relation to RV travel throughout Australia.

With a new RV stop-over park in this region, advertised by the CMCA monthly magazine and eventually becoming known generally, Mr McClelland felt it would provide a service to existing members and an estimated 100,000 other qualifying self-contained vehicle owners, many of whom currently do not see enough of a benefit in stopping in our great City. In conclusion, Mr McClelland said that he supported the motion which aims to expand tourism in the Wollongong region and which covers a tourist sector not adequately catered for in our City.

DEPARTURE OF COUNCILLOR

Following the address by Mr N Fredericks, Councillor Colacino departed and returned to the meeting, the time being from 6.26 pm to 6.28 pm.

PUBLIC ACCESS FORUM - WEST DAPTO URBAN RELEASE AREA – YALLAH-MARSHALL MOUNT PRECINCT – INFRASTRUCTURE COSTS

Mr N Fredericks advised he was speaking on behalf of three landowners at Yallah-Marshall Mount. Mr Fredericks recognised that the report outlined concerns in advancing the rezoning of land due to the risk to Council's budget, but encouraged Council to progress the rezoning. He said that there was the opportunity for Voluntary Planning Agreements (VPAs), which are legally binding. The landowners he represents are prepared to engage with Council to enter into VPAs to meet the cost of road frontages to their land. Also, in relation to creek parklands, these owners are prepared to transfer these to Council at no cost to Council.

Mr Fredericks also advised that the owners support a revisit of the main roads, particularly the local access by-pass between Marshall Mount Road and Yallah Road, which has major cost implications, whereas a shorter bypass around the village may be possible. Mr Fredericks indicated that Government grants are available to also assist in funding infrastructure. In conclusion, Mr Fredericks said that there needed to be serious work undertaken in order to ensure equity in the proposal.

PUBLIC ACCESS FORUM - PUBLIC SAFETY AND SECURITY ISSUES ARISING FROM DELAY IN MAINTAINING AND UPGRADING THE LAKE ILLAWARRA FORESHORE

On behalf of the Oaklands Village Residents' Committee, Dr P Smith advised that on 28 November 2014, the Lord Mayor, Councillor Curran and Council's Manager of Infrastructure Strategy and Planning, M Dowd, attended an onsite meeting with K Fowler from Crown Lands and three residents from Oaklands Village, Windang. Security and safety issues were acknowledged and a commitment to fence off free flow public access between Boronia Park and Judbooley Parade was given by K Fowler and M Dowd. Nine months on from this commitment, the promise to fence off free flow public access to this public safety and security hazard has not been delivered, nor has any repair or maintenance work been undertaken. Dr Smith requested that urgent action be taken by Council to rectify this hazard.

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Dr Smith asked that before the end of this calendar year, Council inform residents of Ward 3 of the proposed foreshore upgrade works, the proposed start and completion dates for this work, as well as details of proposed arrangements for maintaining the upgraded foreshore. In conclusion, Dr Smith said that Oaklands Village residents share the concerns of other Ward 3 residents in relation to the need to upgrade and maintain all of the Lake Illawarra foreshore and to improve the Lake's water quality and water flow.

DEPARTURE OF COUNCILLOR

During the address by Ms M Caine, Councillor Crasnich departed and returned to the meeting, the time being from 6.36 pm to 6.37 pm.

PUBLIC ACCESS FORUM – DRAINAGE AND FLOODING ISSUES – CROSS STREET, CORRIMAL

Ms M Caine advised that the matter of flooding in the Towradgi Creek Floodplain had been widely documented following the major flooding event on 17 August 1998. Sometime after this event, the Illawarra Coke Company constructed an earth mound on their property at the rear of residences at 79-85 Cross Street, Corrimal. The construction of this mound has placed these residences in danger of inundation by floodwaters, by restricting the natural flow of water from Cross Street and the properties to the area immediately behind the mound.

Ms Caine said that Council had indicated that the flooding issue is essentially a private matter between residents and the Illawarra Coke Company, however, Council did agree that there are issues in the area. In conclusion, Ms Caine asked Council to approach the Illawarra Coke Company to address the issues highlighted above and to take their responsibility seriously. She also requested Council to expedite action in getting this section of Cross Street, Corrimal, completed with kerb and guttering, and that associated drainage issues be addressed.

123 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Colacino that all speakers be thanked for their presentation and invited to table their notes.

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CALL OF THE AGENDA

- 124** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that the staff recommendations for Items 2, 7, 11 to 13, and 15 to 22 inclusive, be adopted as a block.

MATTER OF GREAT URGENCY - PUBLIC SAFETY AND WINDANG FORESHORE EROSION

Councillor Curran advised that she wished to put forward a motion which she considered to be urgent and related to public safety and erosion of the Windang Foreshore.

The Lord Mayor ruled Councillor Curran's request not to be of great urgency.

Councillor Petty MOVED a MOTION OF DISSENT on the Lord Mayor's ruling and on a show of hands, the Lord Mayor's ruling was upheld.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item A, Councillor Connor departed and returned to the meeting, the time being from 6.57 pm to 6.58 pm.

ITEM A – NOTICE OF MOTION - COUNCILLOR MARTIN - MOTORHOME STOP-OVER FACILITIES - APPROPRIATE PUBLIC PARKS

- 125** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Martin seconded Councillor Connor that Council work alongside Destination Wollongong, the Campervan and Motorhome Club of Australia (CMCA), and other appropriate organisations, towards investigating the establishment of short-term stopover facilities or dump site and cost implications for Wollongong City Council of motorhome stop-over facilities at locations, including Fred Finch Park, 'Yachties' on Lake Illawarra, Port Kembla, Council Caravan Parks and other appropriate sites in the Wollongong Local Government Area.

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

- *Councillor Brown to amend the words 'Council and Destination Wollongong work alongside' to 'Council work alongside Destination Wollongong;*

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- *Councillor Bradbery: the addition of the words ‘and cost implications for Wollongong City Council’;*
- *Councillor Colacino: the addition of the words ‘short-term stopover facilities’; and,*
- *Councillor Petty: the addition of the words ‘or dump site’ and ‘Council Caravan Parks’.*

DEPARTURE OF COUNCILLORS

During the debate and prior to voting on Item B, Councillors Blicavs and Kershaw departed and returned to the meeting, the times being from 7.25 pm to 7.27 pm, and 7.30 pm to 7.34 pm, respectively.

ITEM B – NOTICE OF MOTION - COUNCILLOR PETTY - REVIEW OF CONDUIT BLOCKAGE POLICY

MOVED by Councillor Petty seconded Councillor Curran that –

- 1 Council write to WMAwater, Consultants currently undertaking a review of Council’s Conduit Blockage Policy, authorising a variation to their contract to consider, review and comment on the following in their final report:
 - a the technical paper by Anthony Barthelmess and Paul Nichols, to be presented at the 36th Hydrology and Water Resources Symposium in Hobart in December 2015, showing the current Blockage Policy significantly over-predicts the hydraulic blockages that occurred in 1998 based on Council’s own flood studies for Hewitts and Towradgi Creeks;
 - b the Allans Creek report titled ‘Flooding in Figtree - American Creek at the M1 Princes Motorway Culverts – Submission to Wollongong City Council, December 2014’ prepared by Residents’ Group NEFRAG;
 - c any evidence the proponent wishes to tender as supporting arguments in regards to the Land and Environment Court case Percy -v- Wollongong City Council, including information subsequently obtained by GIPA request that Council advised the court did not exist;

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- d whether the statement in Council's Specification for the Review of the Blockage Policy that '*application of the current blockage policy has enabled good calibration of flood models with observed flood behaviour in many locations*' is correct, noting this is contrary to the findings of the Barthelmeß and Nichols paper;
 - e whether the statement in Council's Specification for the Review of the Blockage Policy that 'blockage policy has been applied to all Floodplain Risk Management Studies and Plans prepared by Council' is correct, noting that such studies have been based on improbable worst combinations of blocked and clear culverts, which is not part of the methodology stated in Section 10.3.2 of Wollongong Development Control Plan, Chapter E14; and
 - f the two-CD set of documents, photos, email, correspondence etc provided to Councillor Petty as information held by Council in respect of the 1998 flood.
- 2 Staff investigate the option to incorporate within the budget a capital works/maintenance item to address the frequent flooding of properties in Lachlan Street, Thirroul, as predicted in the August 2015 BMT WBM flood study report (which shows these properties to be flood prone even for the one in five year flood), as further highlighted in the recent wet weather event of 23-25 August 2015, and for which Council's anti-blockage works have yet to improve.

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

In favour Councillors Curran and Petty

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

ITEM 1 - ELECTION OF DEPUTY LORD MAYOR

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

- 1 Council elect a Deputy Lord Mayor for a term of one year.
- 2 The method of election be by open voting.

The General Manager advised that nominations for Deputy Lord Mayor had been received for Councillors Dorahy, Merrin, Curran and Connor.

At this point, the General Manager delegated the role of Returning Officer to Manager Governance and Information, Mrs K Cowgill.

Mrs Cowgill proceeded to conduct the election of Deputy Lord Mayor.

On a show of hands, the following votes were recorded:

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

Votes for Councillors Curran and Merrin were tied and following a draw by lot, Councillor Curran was excluded.

On a second show of hands, the following votes were recorded:

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

Votes for Councillors Merrin and Connor were tied and following a draw by lot, Councillor Connor was excluded.

On a third show of hands, the following votes were recorded (*Councillor Brown abstained from voting*):

- Councillor Dorahy: Councillors Kershaw, Blicavs, Dorahy, Colacino, Crasnich and Bradbery
- Councillor Merrin: Councillors Connor, Martin, Merrin, Takacs, Curran and Petty

The meeting was advised that as there were two remaining candidates and votes for Councillors Dorahy and Merrin were tied, that the Councillor drawn by lot would be elected as Deputy Lord Mayor. Following the draw by lot, Councillor Dorahy was subsequently declared elected as Deputy Lord Mayor.

The Lord Mayor extended his congratulations to Councillor Dorahy. The Lord Mayor also acknowledged the hard work, quality, standard and devotion of former Deputy Lord Mayor, Councillor Connor, over the past two terms.

ITEM 2 - DRAFT NEW POLICY: APPOINTMENT OF COUNCILLOR DELEGATES TO COMMITTEES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 124).

COUNCIL'S RESOLUTION – The Appointment of Councillor Delegates to Committees Policy be adopted.

ITEM 3 - ELECTION OF COUNCILLOR DELEGATES TO VARIOUS COMMITTEES AND EXTERNAL ORGANISATIONS

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

- 1 Councillors nominating for those committees and organisations listed in the attachment be declared elected for one year where the nomination is uncontested.
- 2 Contested positions be chosen by open voting.
- 3 Councillors be invited to nominate for any remaining vacant positions.

In accordance with Part 1 of the resolution, the following Councillors were elected -

- Corporate Governance Committee: Councillors Connor and Dorahy;
- Performance Review Committee: Councillors Bradbery, Dorahy and Blicavs;
- Australia Day Committee: Councillors Bradbery and Connor;
- Sports and Facilities Reference Group: Councillors Kershaw, Curran and Blicavs;
- Association of Mining Related Councils: Councillor Bradbery and Connor;
- Committee of Illawarra Sports Stadium Limited: Councillor Curran;
- Destination Wollongong: Councillor Colacino;
- Floodplain Management Association: Councillors Dorahy and Merrin;
- Healthy Cities Illawarra Board: Councillor Takacs;
- Illawarra Bushfire Management Committee: Councillor Connor;

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- Illawarra District Noxious Weeds Authority: Councillor Merrin;
- Illawarra ITEC Limited Board: Councillor Takacs;
- Illawarra Performing Arts Centre (IPAC) Board: Councillors Bradbery and Colacino;
- Illawarra Regional Information Service (IRIS) Board: Councillors Brown and Martin;
- Illawarra Zone Liaison Committee – Rural Fire Service: Councillor Connor (Delegate) and Councillor Blicavs (Alternate Delegate);
- Public Libraries NSW – Country: Councillor Connor;
- Southern Councils Group – Pilot Joint Organisation: Councillor Bradbery (Delegate) and Councillor Connor (Alternate Delegate);
- United Independent and Westpool Boards: Councillor Bradbery (Delegate) and Councillor Blicavs (Alternate).

Elections were undertaken for the following vacancies -

Audit Committee (*two Councillor Delegates to be elected*):

Nominations were received for Councillors Blicavs, Petty and Kershaw and on a show of hands, the following votes were recorded:

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

Councillor Kershaw, with the highest number of votes was elected.

Councillors Blicavs and Petty's votes were tied and following a draw by lot, Councillor Blicavs was excluded.

Councillors Kershaw and Petty were elected. Note: Councillor Kershaw subsequently resigned from her appointment – refer below for re-election.

Joint Regional Planning Panel (*one Delegate and one Alternate Delegate to be elected*):

Nominations were received for Councillors Dorahy and Curran for Delegate, and Councillor Merrin for Alternate Delegate and on a show of hands, the following votes were recorded:

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Councillor Dorahy: Councillors Blicavs, Dorahy, Colacino, Crasnich and Bradbery

Councillor Curran: Councillors Curran, Petty, Connor, Brown, Martin, Merrin and Takacs

Councillor Curran, with the highest number of votes was elected as Delegate and Councillor Merrin elected as the Alternate Delegate.

Vacancy on Audit Committee (Councillor Kershaw, earlier on, was appointed as a member of the Audit Committee. She subsequently withdrew from this position and the vacancy was put to the vote):

Nominations were received for Councillors Blicavs and Merrin, and on a show of hands, the following votes were recorded:

Councillor Blicavs: Councillors Kershaw, Connor, Brown, Martin, Blicavs, Dorahy, Colacino, Crasnich and Bradbery

Councillor Merrin: Councillors Merrin, Takacs, Curran and Petty

Councillor Blicavs, with the highest number of votes was elected as a member of the Audit Committee, along with Councillor Petty who was elected earlier in the meeting.

128 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Kershaw seconded Councillor Blicavs that Councillor Curran be elected as Chair of the Sports and Facilities Reference Group.

ITEM 4 - APPOINTMENT OF VOTING DELEGATES TO LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

129 **COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Brown seconded Councillor Curran that Council delegate (by show of hands) voting rights for the election of Office Bearers and the Board and voting on motions to seven Councillors, including the Lord Mayor and Deputy Lord Mayor, from Councillors previously authorised to attend the 2015 Local Government NSW Annual Conference.

Deputy Lord Mayor, Councillor Dorahy advised that he would not be able to attend the Conference and this left vacancies for six Councillors to be elected to vote for the election of Office Bearers and the Board, as well as vote on motions at the Local Government Conference.

Six nominations were subsequently received from Councillors Kershaw, Connor, Martin, Blicavs, Crasnich and Curran and these Councillors, along with the Lord Mayor, were delegated voting rights at the Conference.

DEPARTURE OF COUNCILLOR

Prior to voting on Item 5, Councillor Kershaw departed the meeting, the time being 8.11 pm.

During debate and prior to voting, Councillor Dorahy departed and returned to the meeting, the time being 8.17 pm to 8.19 pm.

ITEM 5 - 2016 COUNCIL MEETING STRUCTURE AND CYCLE

130 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Brown seconded Councillor Colacino that –

- 1 Council adopt Option 1 as its meeting cycle and structure for 2016.
- 2 Councillor attendance at Ordinary and Extraordinary Council meetings, Section 355 Committees, as well as Councillor Briefing Sessions, be recorded and reported in the Annual Report.

Option 1: Retain the existing three-weekly meeting cycle (14 meetings / 26 briefings) –

- Ordinary Council meetings held on a rolling three weekly cycle on a Monday commencing at 6.00 pm. First meeting to be held on Monday, 1 February 2016.
- Councillor Briefing Sessions be held on the second and third Monday of the cycle commencing at 5.00 pm.
- No Ordinary Council meetings or Councillor Briefing Sessions be held during a public school holiday period. This would normally be with the exception of January however in 2016 the last possible Monday, 25 January, is both during school holidays and immediately prior to a public holiday (Australia Day).
- Additional Councillor Briefing Sessions being scheduled for Thursdays when there is an urgent demand.

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

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

Against Councillors Curran and Petty

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 6, the following Councillors departed and returned to the meeting –

- Councillor Colacino from 8.24 pm to 8.26 pm, and from 8.51 pm to 8.54 pm; and,
- Councillor Curran from 8.25 pm to 8.26 pm.

ITEM 6 - WEST DAPTO URBAN RELEASE AREA - YALLAH-MARSHALL MOUNT PRECINCT - INFRASTRUCTURE COSTS

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Connor that an additional three minutes be granted to Councillor Martin to address the meeting. The MOTION was CARRIED.

MOVED by Councillor Martin seconded Councillor Dorahy that -

- 1 The Yallah-Marshall Mount Planning Proposal (Attachment 4 of the report) be forwarded to the NSW Department of Planning and Environment for finalisation.
- 2 Council review the Section 94 Plan, with a view to entering into discussions with developers or landowners to meet land acquisition and road construction costs as part of a Voluntary Planning Agreement or similar where they will benefit from subdivisions that front a proposed road.
- 3 Landowners/developers be required to dedicate creek parklands at no cost to Council as part of a Voluntary Planning Agreement, or similar.
- 4 Final road layouts, including the conceptual roads mentioned in the local infrastructure report be prepared and costed with timelines over the 20 years of likely land release for design and construction, with developers and/or landowners carrying the majority of financial burden as per point (2).
- 5 Council prepare a submission to IPART and the NSW Housing Acceleration Fund to reduce the burden on Council for the cost of remaining local infrastructure across the entire West Dapto land release area.
- 6 A further report be submitted on amendments to the Wollongong DCP 2009 Chapter D16 to incorporate provisions for Yallah-Marshall Mount.

A PROCEDURAL MOTION was MOVED by Councillor Connor seconded Councillor Curran that this matter lay on the table, pending a detailed briefing with representatives from the Department of Planning and Environment.

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

ITEM 7 - CALDERWOOD DRAFT PLANNING AGREEMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 124).

COUNCIL'S RESOLUTION –

- 1 The developer be advised that Council is not prepared to accept their current Calderwood draft Planning Agreement offer.
- 2 A draft Section 94 Development Contribution Plan be prepared for the Calderwood Urban Release Area based on the infrastructure costs identified in the report, and exhibited for a minimum period of 28 days. The exhibition include advice that the Wollongong Section 94A Development Contribution Plan would be repealed if the new Plan is made.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 8, Councillors Colacino and Curran departed and returned to the meeting, the times being 9.00 pm to 9.02 pm, and 9.00 pm to 9.05 pm, respectively.

ITEM 8 - INSTALLATION OF SOLAR PHOTOVOLTAIC CELLS ON COUNCIL BUILDINGS

A PROCEDURAL MOTION was MOVED by Councillor Dorahy seconded Councillor Connor that an additional three minutes be granted to Councillor Takacs to address the meeting. The MOTION was CARRIED.

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

- 1 Council note the findings of the report.

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- 2 Subsequent to the completion of the energy audit currently underway, a briefing be held which canvasses –
 - i the priorities for installation of solar photovoltaic on Council buildings; and,
 - ii other initiatives for facilitating solar photovoltaic for low income households and pensioners, similar to those pursued by other councils, including Darebin in Victoria.

DEPARTURE OF COUNCILLOR

During the debate and prior to voting on Item 9, Councillor Merrin departed and returned to the meeting, the time being from 9.24 pm to 9.26 pm.

ITEM 9 - FINAL REPORT - REFURBISHMENT OF THE CROWN STREET MALL INCLUDING ANNUAL REVIEW OF THE CITY CENTRE MAJOR PROJECTS STEERING COMMITTEE

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

- 1 Council note the actions of the City Centre Major Projects Steering Committee to ensure timely delivery of the Crown Street Mall Refurbishment and the City Centre Footpath Program.
- 2 The City Centre Major Projects Steering Committee continue to provide oversight of any project nominated as a City Centre Major Project.
- 3 The existing Charter be adopted with the term of appointment extended until September 2016.

ITEM 10 - INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) REVIEW

133 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Curran seconded Councillor Petty that -

- 1 The revised Independent Hearing and Assessment Panel (IHAP) Charter be adopted.
- 2 Those who made submissions be advised and thanked.
- 3 A Briefing be held on the feasibility of IHAP development application files being available online, post-assessment.

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ITEM 11 - POLICY REVIEW: POSITIVE WORKING RELATIONSHIPS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 124).

COUNCIL'S RESOLUTION – The revised Positive Working Relationships Policy be endorsed.

ITEM 12 - BANK GUARANTEES FOR SUBDIVISIONS AND DEVELOPMENT POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 124).

COUNCIL'S RESOLUTION –

- 1 Council's current 'Bank Guarantees or Equivalent Receipt, Retention and Release Management Policy' be revoked.
- 2 The Draft Bank Guarantee Policy for Subdivisions and Development be adopted.
- 3 The adopted policy be advertised in the local newspaper.

ITEM 13 - UPDATE ON DELIVERY OF CULTURAL PLAN 2014-2018

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 124).

COUNCIL'S RESOLUTION – The information be received and noted.

ITEM 14 - ILLAWARRA 200 COMMEMORATIVE COUNCIL MEETING PROPOSAL

134 **COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Connor seconded Councillor Takacs that an Extraordinary Council meeting be held at 6.00 pm on 7 December 2015 as part of Illawarra 200 activities.

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

With votes being tied, the Lord Mayor used his Casting Vote in support of the motion.

ITEM 15 - 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 124).

COUNCIL'S RESOLUTION –

- 1 The draft amended Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors Policy be placed on public exhibition for a minimum period of 28 days and submissions be invited from the public.
- 2 A further report be submitted to Council following conclusion of the public exhibition period, along with a summary of any submissions received.

ITEM 16 - PROPOSED CLARIFICATION - WOLLONGONG WASTE AND RESOURCE RECOVERY PARK FEES AND EXEMPTIONS POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 124).

COUNCIL'S RESOLUTION – Council endorse the amendment to the Wollongong Waste and Resource Recovery Park Fees and Exemptions Policy to include the words: *“Eligible pension card holders who dispose of greater than 100kg in any one transaction will be charged for the portion of their transaction that is greater than the 100kg limit”*.

ITEM 17 - TENDER T15/21 - BALD HILL RESERVE UPGRADE STAGE 2B

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 124).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Co-Ordinated Landscapes Pty Ltd for Stage 2B of the Bald Hill Reserve Upgrade, in the sum of \$2,180,500.00, 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 18 - TENDER T15/12 - EMPLOYEE ASSISTANCE SERVICES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 124).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178(1)(a), Council accept the tender of Mentor Services for the provision of an employee assistance program in the sum of \$58,000 (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 19 - JULY 2015 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 124).

COUNCIL'S RESOLUTION –

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

ITEM 20 - STATEMENT OF INVESTMENTS - JULY 2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 124).

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

ITEM 21 - BI MONTHLY TABLING OF RETURNS OF DISCLOSURES OF INTEREST AND OTHER MATTERS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 124).

COUNCIL'S RESOLUTION – Council note the tabling of the Returns of Disclosures of Interest as required by Section 450A of the Local Government Act 1993.

ITEM 22 - MINUTES OF THE CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 19 AUGUST 2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 124).

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 19 August 2015 in relation to Regulation of Traffic be adopted.

CLOSED COUNCIL SESSION

The Lord Mayor called for a motion to close the meeting for consideration of two reports which deal with the performance review of the General Manager.

135 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Takacs seconded Councillor Martin that the meeting move into Closed Session to consider Items 1 and 2 of Confidential Council business which deal with the General Manager's Performance Review, for the following reasons –

- 1 In accordance with Section 10A 2(a) of the Local Government Act 1993 as the reports relate to personnel matters concerning particular individuals (other than Councillors).
- 2 The Division of Local Government Guidelines for the Appointment and Oversight of General Managers which states that the Performance Review Panel report to a Closed Session of Council the findings and recommendations of the General Manager's performance review.
- 3 On balance, the public interest in preserving the confidentiality of commercial information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting.

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Prior to moving into Closed Session, the Lord Mayor advised members of the gallery that both reports relate to the General Manager's performance review and the reports are classified as Confidential under Section 10A 2(a) of the Local Government Act 1993, which permits the meeting to be closed to the public, as the reports relate to personnel matters concerning particular individuals (other than Councillors).

In accordance with Section 10A (4) of the Local Government Act, the Lord Mayor invited members of the gallery to make representations to the Council meeting as to whether this part of the meeting should be closed.

No submissions were received from the press or members of the gallery.

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

At this stage, the time being 9.53 pm, members of the press and gallery departed the Council Chambers.

The meeting moved into Closed Session, the time being 9.54 pm.

Council resumed into Open Session at 10.04 pm and members of the gallery were invited back into the Council Chambers.

RESOLUTIONS FROM THE CLOSED SESSION OF COUNCIL

ITEM 1 - GENERAL MANAGER'S PERFORMANCE AGREEMENT 2015-16

- 136** The Lord Mayor advised that whilst in Closed Session Council resolved to note the Performance Agreement for the General Manager for 2015-16.

ITEM 2 - GENERAL MANAGER'S PERFORMANCE REVIEW 2014-15

- 137** The Lord Mayor advised that whilst in Closed Session Council resolved to note the Performance Review Committee outcomes of the performance review for the General Manager for 2014-15.

THE MEETING CONCLUDED AT 10.06 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 19 October 2015.

Chairperson